

1765. Also, petition of members of Local No. 17882, Postal Employees, Minneapolis, Minn., urging the same relative increase for laboring employees in the Post Office Department that was accorded clerical employees, in view of their similar living costs; to the Committee on the Post Office and Post Roads.

1766. By Mr. O'CONNELL of New York: Petition of W. Palen Conway, vice president Guaranty Trust Co. of New York, favoring the passage of House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1767. Also, petition of Prentice N. Gray, of New York City, favoring the passage of House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1768. Also, petition of the American Legion National Legislative Committee, favoring the passage of the Johnson bill (H. R. 10240), the Green bill (H. R. 10277), and the Fitzgerald bill (H. R. 4548), and requesting the Speaker of the House, the Republican steering committee, and the Rules Committee to give an opportunity to vote on these bills; to the Committee on World War Veterans' Legislation.

## SENATE

WEDNESDAY, April 14, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shipstead
Bayard	Frazier	McKinley	Simmons
Bingham	George	McLean	Smith
Bleah	Gerry	McMaster	Smoot
Borah	Gillett	McNary	Stanfield
Bratton	Goff	Mayfield	Steck
Broussard	Gooding	Metcalf	Stephens
Bruce	Greene	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harrell	Nye	Tyson
Caraway	Harris	Oddie	Wadsworth
Copeland	Harrison	Overman	Walsh
Couzens	Heflin	Phipps	Watson
Curtis	Howell	Pine	Weller
Deneen	Johnson	Pittman	Wheeler
Dill	Jones, N. Mex.	Reed, Mo.	Williams
Edge	Jones, Wash.	Reed, Pa.	Willis
Fernald	Kendrick	Robinson, Ark.	
Ferris	King	Sackett	
Fess	Lenroot	Sheppard	

Mr. PHIPPS. I wish to announce that my colleague [Mr. MEANS] is detained from the Senate by illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

### PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 13, 1926, the President had approved and signed the following acts:

S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883;

S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest;

S. 1746. An act to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey; and

S. 1809. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

TRANSPORTATION OF MONTANA ELK TO MASSACHUSETTS (S. DOC. NO. 97)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, in response to Senate Resolution 184 (by Mr. WALSH, agreed to March 31, 1926), relative to the recent shipment of live elk from the National Bison Range in Montana to the State of Massachusetts, which, with the accompanying paper, was ordered to lie on the table and to be printed.

### NATIONAL PARKS IN SOUTHERN APPALACHIAN MOUNTAINS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior submitting, pursuant to law, recommendations relative to the establishment of national parks in the southern Appalachian Mountains, together with a report of the Southern Appalachian National Park Commission, which, with the accompanying papers, was referred to the Committee on Public Lands and Surveys.

### STATE TAX OF KANSAS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter in regard to the State tax of the State of Kansas. A statement was inserted in the RECORD some time since on this subject, which did the State an injustice.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

APRIL 1, 1926.

HON. BEN S. PAULEN,

Governor, State of Kansas.

DEAR GOVERNOR PAULEN: Yesterday you called my attention to an address by Congressman W. R. WOOD, of Indiana, which appeared in the CONGRESSIONAL RECORD December 18, 1925.

In this address Congressman Wood makes use of the financial statistics of States, as compiled by the United States Census Bureau, and compares the expenditures of 1924 with those of 1917.

The classification of expenditures as made by the bureau shows Kansas with a per capita cost of \$3.65 in 1917 and \$22.17 in 1924, only one State in the Union having a higher per capita expenditure in 1924.

In order that you may have the facts, I wish to advise that the Federal figures include the soldiers' compensation in amount of \$28,978,466.15, paid by Kansas in 1924 to her World War veterans. This fund came from the sale of bonds of the State, which are being paid off at the rate of \$1,000,000 a year.

The total expenditure for State government in Kansas in 1924 was \$12,339,639.08, exclusive of the soldiers' bonus, which was a per capita expenditure of \$6.80, based on the 1925 census.

The total expenditure in 1917 was \$6,440,510.47, a per capita cost of \$3.65. It would be manifestly unfair and misleading to say that the cost of State government in Kansas in 1924 was \$41,318,105.23, as \$28,978,466.15 of that amount was a payment to the soldier boys, and could not be properly included.

May I give you the correct expenditures for the years 1917 and 1924, classified as follows:

	1917	1924
Executive department.....	\$136,676.33	\$222,583.25
Judicial department.....	213,383.11	337,996.02
State agencies and legislative expense.....	1,602,092.18	2,947,055.82
Educational institutions.....	2,520,776.59	5,595,134.81
Charitable institutions.....	1,013,674.00	1,553,526.50
Penal institutions.....	784,436.02	1,432,691.80
Patriotic institutions.....	162,872.24	250,650.79
Total.....	6,440,510.47	12,339,639.08
Soldiers' compensation.....		28,978,466.15

Of the \$12,339,639.08 expended in 1924, \$6,506,031.91 came from direct or property taxes and the remainder from fees and indirect sources, such as corporation and inheritance taxes, etc.

Congressman Wood is not to be criticized, as he used the Federal figures, except that in commenting he referred to the expenditures as being "routine" and aside from any special expenditures. The Kansas soldiers' bonus was "special" and not a "routine" item.

Leaving out the soldiers' bonus item, some 35 other States in the Union had a higher per capita expenditure than Kansas in 1924.

You may feel at liberty to utilize the facts given in this letter in any way that you see fit.

Yours very truly,

N. A. TURNER,  
State Budget Director.

### DEVELOPMENTS IN MISSISSIPPI

Mr. STEPHENS. A few days ago there appeared an article in the Baltimore Sun written by a man by the name of L. R. Cleveland. This article reflected very much upon the people of my State and the State itself in regard to conditions there. It was a scurrilous and slanderous publication and was such a misstatement of facts that an answer has been written by Mr. L. J. Folse, of the Mississippi State Board of Development. It has been given to the public. I have here a rather brief article, which contains Mr. Folse's reply, which was published on April 12, 1926, in the Commercial Appeal, of Memphis, Tenn., which I ask may be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

MISSISSIPPI FIGHTS BACK AT HER CRITICS—LAYS CARDS ON TABLE IN ANSWERING BALTIMORE SUN—CITES SCHOOL RECORD—ADVANCE OF EDUCATION FIVEFOLD IN 10 YEARS—THE DISAPPEARANCE OF "ONE-HORSE" SCHOOL, ETC., IS HER ARGUMENT

The phenomenal advance of the State of Mississippi in education, its position among other States of the Nation regarding those requisites for happiness and contentment, told in figures to make sure of their facts, have been hurled in the face of an article appearing in a recent issue of the Baltimore Sun, written by L. R. Cleveland, a man said to be unknown to the "Magnolia State."

These figures were compiled by L. J. Folse, general manager of the Mississippi State Board of Development, and prepared in such a way as to register a striking argument against certain propaganda that Mississippi has unjustly suffered.

#### THE EVIDENCE

In his reply Mr. Folse sets forth a condensed summary of what is doing in this State and its future possibilities, as follows:

On December 20, 1817, Mississippi became the twentieth State of the Union. Nature endowed Mississippi with many advantages. Up to 20 years ago the State was backward in economic development. Since that time, as a result of scientific agricultural development and general industrial expansion, Mississippi has made great progress.

Between 1880 and 1920 the population of Mississippi increased 60 per cent, but in the same period its per capita wealth increased 298 per cent; the assessed valuation of all property in the State increased 551 per cent; bank deposits increased 6,379 per cent; and the value of manufactured products increased 2,275 per cent; and the amount invested annually for public schools increased 1,030 per cent.

No State in the Union has given greater attention in recent years to education than Mississippi. In 1900 Mississippi invested in public education \$1,385,000; in 1910 \$2,726,000; in 1922 \$9,390,000.

The per capita expenditure for school for every child 5 to 7 years of age, increased from \$2.34 in 1900 to \$15.84 in 1922.

To-day Mississippi has 1,000 strong central consolidated or rural high schools, which have taken the place of more than 3,000 small one and two teacher schools. Three hundred and thirty of these schools have a 10-acre plot of land which belongs to the school, on which a home has been built for the teachers and furnished them, rent free. Thus the teacher and his family become a part of the community for 12 months in the year.

Fifty-one of our counties have built magnificent agricultural high schools, with boarding accommodations, varying from 50 to 250 students. The cost for board and incidental expenses is about \$10 per month.

In 1910 we had only two consolidated schools, with an enrollment of 205 students and property worth \$8,000; in 1925 we have nearly 1,000 consolidated high schools, with property valued at \$10,747,000 and 144,498 children enrolled. The growth in this field of education in Mississippi is not surpassed anywhere.

Approximately \$300,000 is being spent annually on the building of good rural schools, with industrial departments, for the negro girls and boys of the State. The plan of education worked out for the colored population of Coahoma County is said by experts to be the best of its kind in the world.

Not content with this high achievement in educational work a complete survey of the entire educational system of the State was completed by a commission of competent educators from various sections of the country.

#### EDUCATIONAL RECORD

According to the recent survey there are more high school graduates in Mississippi entering college every year than in any other State in proportion to our population. We have six colleges on the "A" list, with several others nearly up to standard, not to mention the junior colleges located at convenient places in the State.

We spend annually for the maintenance of our public schools approximately \$14,000,000.

Illiteracy for native white was only 3.6 per cent; for negro population, 29.3 per cent; for whole population, 16 to 20, 12 per cent.

The mortgage debt on Mississippi farms in 1920 was \$30,046,000, or 30.3 per cent of the value covered, against 31.7 per cent in 1910. The average interest paid in 1920 was 6.5 per cent. The average value of a farm in 1920 was \$4,539, while the average debt per farm was \$1,375.

The birth rate of Mississippi was 24 per thousand for 1923, or, respectively, 24.5 per cent for the white population and 23.5 per cent for the colored.

For the United States the birth rate in 1923 was 33.8 per cent. The average number of children born to a mother in the United States in 1923 was 3.3 per cent; for the mothers of Mississippi it was 3.7 per cent.

The illegitimate birth rate for the entire registration area was 1.4 per cent for the white population; it was only 0.9 per cent for the white population of Mississippi.

The proportion of white to the total population in 1910 was 46 per cent; it was 48 per cent in 1920.

In health achievement Mississippi has an enviable record. Its death rate for whites is lower than that of any Southern State, and, as will be noted from the foregoing statements, its record is not surpassed in other important departments.

Mississippi is particularly proud in its achievement of malaria eradication and control. It has reduced malaria infection by 55 per cent and, according to the Federal department of health, it is the only Southern State qualified to speak authoritatively with respect to the condition of malaria. In five years it has reduced malaria infection by 55 per cent for the State as a whole, and it has eliminated it entirely in certain counties and its present program contemplates the total eradication of this disease in the State.

Mississippi is rapidly establishing in each county an "All times health unit." It has, or will have by January, 1927, 20 counties with this service. No greater contribution can be made to the welfare of the people of the rural districts than by extending this phase of our health work.

The land area of Mississippi is 46,362 square miles, the population per square mile in 1920 was 38.6, the total population for the State for that year being 1,790,618. The rural population for 1920 was 1,589,497, or 86.6 per cent of the total population.

#### GREAT FARMING STATE

From 1910 to 1920 the value of farm property, etc., increased as follows:

	Per cent
Value of all farm property.....	126.3
Value of all farm buildings.....	84.7
Value of all farm improvements.....	135.9
Value of all livestock.....	79.4
Value of all farm crops.....	139.2

Mississippi is third in strawberry production per acre. Mississippi sold 9,344 pounds of butterfat in 1909 and 1,864,594 pounds in 1919, the greatest increase of any State.

Mississippi leads the entire Mississippi Valley with a 34 per cent increase in corn production for the same period.

From 1910 to 1920 Mississippi led all of the States with a 96 per cent increase in hay production for the same period.

The first carload of butter shipped from the South was shipped from Mississippi. Mississippi has made greater progress in dairying than any State in the Union. On March 10 the Borden Condensed Milk Co. opened its \$750,000 condensery at Starkville, Miss. This is the only plant of its kind in the South and is, in fact, a great recognition of the present and future possibilities of this industry in Mississippi.

Mississippi's creamery output in 1923 (Government report) was greater than the combined output of Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, and Louisiana. This was made possible by the unsurpassed pasture values, of which the Government station at McNeill, Miss., says in a bulletin: "It can no longer be doubted that pastures in Mississippi can be established which will equal or excel in carrying capacity any pastures in the United States, and this at a very low cost of establishment." After reciting specific performances, it goes on to say, "Pastures of such high-carrying capacity over such long periods are not known elsewhere in the United States."

The Mississippi Power Co., operating in northeast and in south Mississippi, the Mississippi Power & Light Co., operating in central and northwest Mississippi, are now serving practically every town and city in the State, and the investment of these two companies will reach \$50,000,000 in a short time.

The State highway system in Mississippi comprises over 4,800 miles, over 2,500 miles of which are practically completed; while most of our roads are of gravel construction, we have many hundred miles of paved and brick highways. Paved highway is being built along the entire coast line of Mississippi, extending from the Alabama to the Louisiana line, one-half of which is completed. We have spent in 1923 for bridges alone over \$6,000,000, and we look for Federal approval for the construction of a bridge over the Mississippi River at Natchez and Vicksburg.

The finest private residence, I believe, to be found in the entire South is being built by Mr. Hugh L. White at Columbia, Miss., and it will cost over \$300,000.

In the 90 or more cities and towns in Mississippi of over 1,000 population I do not believe there is to be found in any State a higher expression of culture than is demonstrated in the private homes, churches, and public buildings.

Thousands of investors, unlike misinformed people like Mr. Cleveland, have discovered that Mississippi offers unsurpassed opportunities, and the development of our Gulf coast alone within the past two years has increased the taxable wealth of that section over \$60,000,000, and the coast line of Mississippi is without doubt unsurpassed in natural beauty.

Due to the fine work of the Mississippi Legislature of 1924 and 1925, we feel the public policy of the State of Mississippi is as favorable to the investor as that of any other State, and we shall gladly give information as to specific laws or answer inquiries regarding the public policy of the State.



## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURTNESS, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill and resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 3858. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes;

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; and

H. Con. Res. 9. Concurrent resolution for the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the said board.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 96. An act authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 187. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana;

H. R. 264. An act to amend an act to provide for the appointment of a commission to standardize screw threads;

H. R. 1944. An act for the relief of Charles Wall;

H. R. 2703. An act granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service;

H. R. 3431. An act for the relief of Frederick S. Easter;

H. R. 3932. An act to amend section 71 of the Judicial Code as amended;

H. R. 4835. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap;

H. R. 6355. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona;

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, P. R.;

H. R. 9937. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. J. Res. 171. Joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922;

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch; and

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress, to be held at Ottawa, Canada, in 1927.

## PETITION

Mr. WARREN presented a petition of sundry citizens of Moose, Wyo., praying the repeal or substantial modification of

the prohibition enforcement law, which was referred to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 3148) to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia, reported it without amendment and submitted a report (No. 591) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3807) granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia, reported it with amendments and submitted a report (No. 592) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, reported it without amendment and submitted a report (No. 593) thereon.

He also, from the same committee, to which was referred the bill (S. 2674) for the relief of Kate T. Riley, reported it with an amendment and submitted a report (No. 595) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., reported it with an amendment and submitted a report (No. 594) thereon.

He also, from the same committee, to which was referred the bill (S. 107) for the relief of the Commercial Assurance Co. (Ltd.), reported it with amendments and submitted a report (No. 596) thereon.

Mr. EDGE, from the Committee on Foreign Relations, to which was referred the bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America, reported it with amendments and submitted a report (No. 597) thereon.

Mr. JOHNSON, from the Committee on Immigration, to which was referred the bill (H. R. 6238) to amend the immigration act of 1924, reported it with an amendment.

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following joint resolutions, reported them each without amendment:

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World; and

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3973) for the relief of Frank Andress (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3974) granting an increase of pension to Elizabeth B. Williamson (with accompanying papers); to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3975) for the relief of the owners of the barge *McIlwaine No. 1*; to the Committee on Claims.

By Mr. GOFF:

A bill (S. 3976) for the relief of William P. McKinley; to the Committee on Military Affairs.

By Mr. JONES of New Mexico:

A bill (S. 3977) to amend an act entitled "An act for the relief of settlers on railroad lands," approved June 22, 1874; to the Committee on Public Lands and Surveys.

By Mr. CAMERON:

A bill (S. 3978) to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. ROBINSON of Indiana:

A bill (S. 3979) granting a pension to Nancy Kirby (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3980) for the relief of the Sachs Mercantile Co. (Inc.); to the Committee on Naval Affairs.

By Mr. HARRELD:

A bill (S. 3981) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians; to the Committee on Indian Affairs.



By Mr. LENROOT:

A bill (S. 3982) granting a pension to Henry F. Clement; to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3984) granting a pension to Sarah J. Breslin; to the Committee on Pensions.

#### DIVISION OF SAFETY IN THE DEPARTMENT OF LABOR

Mr. SHORTRIDGE introduced a bill (S. 3983) to create in the Bureau of Labor Statistics, of the Department of Labor, a division of safety, which was read twice by its title.

Mr. SHORTRIDGE. Mr. President, permit me to state briefly the purpose of this bill. There is no such thing as an adequate system of industrial accident reporting in the United States. The best obtainable estimate is that the death toll of industrial accidents is not under 23,000 per year and that non-fatal injuries total 2,500,000. The days of labor lost as a result of these injuries has been said to be 227,169,970 per annum and the wage loss \$1,022,264,866. Under the workmen's compensation laws of various States there is paid annually in compensation something like \$250,000,000, or about one-fifth of the actual wage loss.

It is hoped by this bill to put an agency of the Government in a position to collect and organize the actual facts in such a way as to greatly reduce these casualties. The full cooperation of the States and all other accident-reporting organizations will be sought and, it is believed, secured, to the end that attention may be called, not in general terms but by specific reference, to the places and causes of these accidents.

Some 20 years ago the iron and steel industry voluntarily agreed to report all accidents and all pertinent facts regarding accidents to the Bureau of Labor Statistics, which in turn compiled these records in such a form as to locate by departments, and in some instances even by occupations, the dangerous spots in the industry. The management of the industry in turn, guided by these figures, have so intelligently directed their safety work within the industry as to have reduced their frequency rate from 80.8 in 1907, when this work was begun, to 30.8 in 1924, per thousand full-time workers in those plants. If anything approximating these results can be secured in other industries, it would seem that it is high time we were providing for the extension of the methods.

In a word, Mr. President, the purpose of this bill is to reduce the haphazard to life and limb of men, women, and children engaged in industry. From a humanitarian and an economic-commercial point of view the bureau to be set up will do much good to employer and employee.

I move that the bill be referred to the Committee on Education and Labor.

The motion was agreed to.

#### CHANGE OF REFERENCE

On motion of Mr. SWANSON, the Committee on Foreign Relations was discharged from the further consideration of the joint resolution (S. J. Res. 77) authorizing certain military organizations to visit France, England, and Belgium, and it was referred to the Committee on Military Affairs.

#### AMENDMENT TO RIVERS AND HARBORS BILL

Mr. HALE submitted an amendment intended to be proposed by him to the bill (H. R. 11176) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

#### ALIENS WHO SERVED IN ARMY OR NAVY

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War, which was ordered to lie on the table and to be printed.

#### HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by title and referred as indicated below:

H. R. 8358. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes; to the Committee on Commerce.

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; to the Committee on Military Affairs.

#### REGULATION OF AIRCRAFT IN COMMERCE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. JONES of Washington. I move that the Senate disagree to the amendment of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. FERNALD, Mr. BINGHAM, Mr. FLETCHER, and Mr. RANDELL conferees on the part of the Senate.

#### NATIONAL CONFERENCE ON OUTDOOR RECREATION

Mr. MOSES. Mr. President, I hold in my hand the manuscript of the proceedings of the National Conference on Outdoor Recreation, compiled by Hanford MacNider, Assistant Secretary of War, and I ask unanimous consent that his letter may be printed in the RECORD and the manuscript referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered. The letter of the Assistant Secretary of War is as follows:

NATIONAL CONFERENCE ON OUTDOOR RECREATION,  
Washington, D. C., April 1, 1926.

The Hon. GEORGE H. MOSES,

Chairman Committee on Printing, United States Senate.

MY DEAR SENATOR MOSES: Through your courtesy the proceedings of the meetings of the National Conference on Outdoor Recreation, held under the auspices of the President in Washington, have been printed as Senate Documents No. 151 and No. 229.

Last January, at the invitation of the President's committee, a meeting of the National Conference on Outdoor Recreation was held, and it would be most helpful if the proceedings of this meeting could likewise be published as a public document, for in fact these proceedings are in the nature of a report to the President's Committee on Outdoor Recreation.

Very sincerely yours,

HANFORD MACNIDER,  
The Assistant Secretary of War,  
Executive Secretary President's Committee on Outdoor Recreation.

#### HEARINGS BEFORE THE PRESIDENT'S AIRCRAFT BOARD

The VICE PRESIDENT laid before the Senate the concurrent resolution (H. Con. Res. 9), which was read as follows:

#### Concurrent resolution

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Interstate and Foreign Commerce of the House of Representatives be, and is hereby, empowered to procure the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the President's Aircraft Board.

Mr. FESS. For the Senator from Pennsylvania [Mr. PEPPER] I ask that the concurrent resolution may be agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

#### MISSISSIPPI RIVER BRIDGE NEAR LOUISIANA, MO.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendment of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist upon its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

#### AIRSHIP "LOS ANGELES"

Mr. COPELAND. Mr. President, there has been a very disquieting report in some of the papers about the condition of the gas bags on the airship *Los Angeles*. I send to the desk a resolution, which I introduce simply to make inquiry from the Secretary of the Navy regarding the matter. My purpose in doing this is that fears may be allayed. I assume, of course, that the airship is perfectly safe, but one of the articles to which I have referred would tend to create the opposite impression. I ask to have the article inserted in the RECORD and the resolution read.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read the resolution (S. Res. 200), as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to inform the Senate whether, in the opinion of the aeronautical experts of the Navy Department, the gas bags of the Navy dirigible *Los Angeles* are safe.



Mr. COPELAND. I know there can be but one answer to the question, because our Navy would not permit any airship to be used which was not safe, but the article which I have asked to have printed in the *Record* and others which I have read indicate serious criticism. I think it is only right that the Senate should take appropriate action in order that the country may be relieved of any anxiety regarding the matter. I therefore ask unanimous consent for the immediate consideration of the resolution.

Mr. HALE. Mr. President, would the Senator object to a reference of the resolution to the Committee on Naval Affairs? I am sure the committee will want to get the facts in the matter.

Mr. COPELAND. It is entirely satisfactory to me to have the resolution referred to the Committee on Naval Affairs, assuming, of course, that the committee will get the information at once. I want to say to the Senator from Maine that I have no thought of criticism of the Navy in the matter. I have taken this action simply because serious criticisms had been made, and I think it is only right that the Navy should have an opportunity to answer such criticisms. I have no doubt satisfactory answer can be made. I am very happy to have the resolution referred to the Committee on Naval Affairs.

The VICE PRESIDENT. The resolution will be referred to the Committee on Naval Affairs.

Mr. COPELAND. I ask that one of the articles to which I have referred may be printed in the *Record* at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the Washington Daily News, Monday, April 12, 1926]

"LOS ANGELES" GAS BAGS SAFE?—HUGE DIRIGIBLE'S LONG-DELAYED FLIGHT POSTPONED AGAIN PENDING TESTS

By John Wallace

Delayed flying plans, gas bags that have had to undergo strenuous patching and repairing to hold helium, the opinion of a leading aeronautical authority that leaky bags invite disaster similar to the *Shenandoah's*, and a muttered undercurrent of misgivings among some of the crew led yesterday to the fear that the Navy dirigible *Los Angeles* is not safe for flight.

Weather permitting, the *Los Angeles* is to be taken from the hangar at Lakehurst, N. J., late this afternoon and moored to the mast in the flying field.

The mammoth dirigible was to have taken the air Saturday for her first flight in nine months. That was the date set by the Navy Department.

Capt. George W. Steele, jr., commandant at Lakehurst, postponed it. It is doubtful if any flight will be made before the end of this week.

Mechanics and gas-bag experts, working feverishly 16 hours a day, spent the week end overhauling the ship. If she is tied up to the mast to-day she will swing there several days more, according to Captain Steele, while the various controls are adjusted and tested to minimize risk of mishap.

#### OFFICIALS MOVE CAUTIOUSLY

With the recollection of the *Shenandoah* tragedy still burning in their memories, the authorities at Lakehurst are moving cautiously.

Presumably, also, the bureau chiefs at Washington have learned certain lessons from perusal of the testimony taken at the *Shenandoah* inquiry.

The gas bags of the *Los Angeles* will retain their full equipment of valves, permitting the free escape of helium if the ship should be carried above pressure height. Capt. Anton Heinen, German dirigible expert, testified at the *Shenandoah* inquiry that the cutting down of the number of valves on the *Shenandoah* in order to save helium was directly responsible for the disaster that cost 14 lives.

Those responsible for the modification of the *Shenandoah's* valve system indignantly denied this and loudly denounced Heinen; but, nevertheless, they have let the valve system of the *Los Angeles* severely alone.

#### ONLY LOCAL FLIGHTS PLANNED

Among them is Lieut. Roland G. Mayer, who was chiefly concerned in making the change on the *Shenandoah*. Two months ago Mayer was made construction officer of the *Los Angeles*, succeeding Lieut. William Nelson, who was transferred to the Philadelphia station. Since then Mayer has been in direct charge of all the work of making the dirigible shipshape.

Another lesson, apparently, is that it isn't altogether wise for partly trained officers and crew to take an airship on a long flight.

Accordingly Captain Steele made known only local flights, with a return to the mast at Lakehurst field each sundown, will be attempted for at least two months.

"The idea," he said, "is to thoroughly train every officer and member of the crew before any long flights are made."

#### IS SHIP SAFE? IS QUERY

Yet with all this caution the question of the worth of the *Los Angeles'* gas bags will not down, and it leads inevitably to another query: Is the giant airship safe for flight?

The doubt arises from the rather general belief that the bags have not been handled in the last nine months with the care and skill their delicate texture requires. The doubt is raised by some of the members of the crew who have participated in and closely observed the overhauling and repairing that has been going on.

One who talked to Doctor Eckener, who built the *Los Angeles* and brought her here two years ago with a German crew from Friedrichshaven, quoted the expert as telling the officers at Lakehurst:

"These bags should last the life of the ship. They were made to do so. But you must handle them as you would a sheer silk gown, not as you would a flannel petticoat."

"You can stick your fist through the bags," one of the men who has been handling them declared earnestly the other day.

"They won't stay inflated longer than four hours," another asserted.

Through the courtesy of Captain Steele the reporter was enabled to go through the interior of the *Los Angeles*.

He found the outer surfaces of the gas bags literally sprinkled with patches some 6 to 8 inches in diameter. It was impossible to count them, because the bags were not inflated and hung in folds.

The largest of these bags when inflated are 90 feet in diameter and 45 feet long. There are 13 bags in the *Los Angeles*, with a gas capacity of 2,600,000 cubic feet, 450,000 cubic feet greater than was that of the *Shenandoah*. The outer covering is of a specially prepared cotton cloth. The inside of this is smeared with a sort of glue, the secret formula for which is known only to the German makers, and the whole interior is lined with gold beater's skin, which comes from the intestines of animals and which is impervious to air when in good condition.

#### BAGS STILL SAID TO LEAK

From the best accounts obtainable, the gas bags on the *Los Angeles* are not impervious to air, the goldbeater's skin having rotted in many spots.

For weeks the men at Lakehurst have been replacing the rotted parts with new strips of skin and putting patches on the outside of the bags. Yet, it is said, they still leak.

The facts as unearthed by the Daily News were laid before an American aeronautical engineer of national reputation. He stipulated that his name be not used, because he did not desire to engage in any controversy with the Navy Department, but this is what he said:

"I myself would not fly in an airship with leaky bags.

"By unending vigilance and attention on the part of the crew the chances are that any ordinary break that occurred in the bags could be repaired in flight.

#### ENGINEER POINTS OUT PERIL

"But there is always the possibility that a large break might occur. There would be greater likelihood of this if the ship were caught in a storm, carried above pressure height, and the escape valves were not able to take care of all the gas expansion. If one bag broke, the one next to it would be apt to break also."

What happened to the *Los Angeles's* gas bags?

Paraphrasing Doctor Eckener's neat figure of speech, the bags have evidently not always been handled as much like "sheer silk gowns" as like "flannel petticoats." Goldbeater's skin can be properly worked with only in a warm, moist atmosphere. In the German factories this work is done in rooms where the right temperature and humidity are scientifically and exactly maintained. Doctor Eckener and the German crew gave the Lakehurst men instruction in these things while they were here.

How much of it was heeded can at best be only a matter for conjecture.

Captain Steele stated that the repair work has been going on in a room the temperature and humidity of which have been properly adjusted.

"That is necessary, is it not?" he was asked.

"It is not necessary," he rejoined, just a trifle sharply. "But it is advisable."

Captain Steele's statement of the care used in working on the bags applied to the time they have been in Lakehurst. They were taken from the ship some eight months ago.

From a man who was in constant touch with what went on at Lakehurst at that time, the Daily News has learned that the bags were transported to the Philadelphia station.

#### JAMES MADISON MEMORIAL

Mr. COPELAND. Mr. President, I hold in my hand an article by Arthur Deerin Call, entitled "Needed, a worthy memorial to James Madison," which appeared in the magazine *Peace* for April, 1926. I ask that it may be printed in the *Record*.

There being no objection, the article was ordered to be printed in the *Record*, as follows:

## NEEDED A WORTHY MEMORIAL TO JAMES MADISON

By Arthur Deerin Call

A monument points like a fixed finger to the ideals of its builder. The world rears monuments to its great and to its loved ones, in spirit honoring them and itself. America has many monuments, but among them all there stands no adequate memorial to "the greatest constructive statesman our country has produced"—James Madison.

It was Gaillard Hunt, editor of the writings of Madison and author of the best life of him—none too well written—who, in an address in Orange, Va., August 14, 1919, said: "James Madison was the greatest constructive statesman our country has produced." Upon this the one hundred and seventy-fifth anniversary of his birth, it is peculiarly fitting, therefore, to consider and to weigh the major services of this man.

## OUR INTEREST IN THE SUPERLATIVE

The "greatest constructive statesman"! We, especially we Americans, it is said, have a weakness for the superlative. It gratifies us to be told that Demosthenes was the "greatest orator" of all time; that Solomon was the "wisest man" that ever lived; that the Washington Monument is the "tallest structure" of its kind in the world; that we are "the greatest nation" in all the earth; that the three "greatest statesmen" of the nineteenth century were Lincoln, Bismarck, and Cavour. Whatever the psychology, it pleases us to tag something in terms of the superlative. Sometimes our superlatives are justified and appropriately applied. Gaillard Hunt's superlative is of that kind.

## STATESMAN DEFINED

A statesman is one who successfully links experience to the immediate needs and at the same time unto the enduring benefit of the State. Such was the man who led the raw recruits of 13 bickering States to victory in 1782 over the trained redcoats of Britain; who presided over the Federal Convention of 1787, and who served as President through the first eight years of our United States of America. Such was John Adams, the Patrick Henry of New England, bearer of the brunt of battle for independence, "Colossus of the debate," who later, in the midst of intrigue in his own Cabinet and faced with a great opposition in the negotiations with France, placed his fate in the hands of history and stood forth against his party, a great American. Such was Alexander Hamilton, who, as the first Secretary of the Treasury, "smote the rock of national resources and an abundant stream of revenue came forth," who "touched the dead corpse of the public credit and it sprang upon its feet." Such was Thomas Jefferson, author of the Declaration of Independence, of the ordinance of 1787, diplomat, learned in the arts and sciences, master of men, political genius, friend of the "man of no importance." All these were men who linked experience to the immediate needs and unto the future benefit of this country. They were statesmen.

But "the greatest constructive statesman our country has produced" was James Madison, because he, probably more than any other man, linked experience to the needs of the new Government and determined modes of growth and achievement of our United States, modes apparently permanent as they have been useful. Thanks largely to him our Constitution is to-day the oldest continuous constitution of the oldest continuous Government in the world.

## LESSER FOUNDATIONS OF MADISON'S REPUTATION

Hunt's characterization of the "little man of Montpelier" is true, not because of Madison's services as the fourth President of these United States, from March 4, 1809, to March 4, 1817, the choice of Jefferson, who "loved him as a son," and who had retained him as Secretary of State through eight years; not because he was our war President through the war commonly known as the War of 1812; not because he was a modest man, free of all vainglory—a fact; not because of those last 19 years of private life, surviving his friend Jefferson by a decade; not because of the final pictures of him, meditative yet useful, amid his books and friends, farming, raising Merino sheep and other animals, condemning nullification and secession as in no sense akin to his Virginia resolutions, as, indeed, "twin heresies" which "ought to be buried in the same grave;" serving as rector of the University of Virginia.

After his death, June 28, 1836, there was found among his papers one entitled "Advice to my country." This document reads as follows:

"As this advice, if it ever see the light, will not do so till I am no more, it may be considered as issuing from the tomb, where truth alone can be respected and the happiness of man alone consulted. It will be entitled, therefore, to whatever weight can be derived from good intentions and from the experience of one who has served his country in various stations through a period of 40 years; who espoused in his youth, and adhered through his life, to the cause of its liberty; and who has borne a part in most of the great transactions which will constitute epochs of its destiny.

"The advice nearest to my heart and deepest in my convictions is, that the Union of the States be cherished and perpetuated. Let the

open enemy to it be regarded as a Pandora with her box opened, and the disguised one as the serpent creeping with his deadly wiles into Paradise."

Fine as is this utterance, it is not sufficient to stamp its author as "the greatest constructive statesman our country has produced."

James Madison was born March 16, 1751. One of his ancestors patented nearly 5,000 acres of Virginia, afterwards incorporated in the county of Orange. James, being the eldest of seven children—four boys and three girls—inherited this estate, afterwards called "Montpelier." Notwithstanding he was born in Port Conway, some 50 miles away, Montpelier was his home throughout his 85 years. He graduated from Princeton at 18, in 1769, doing his junior and senior work in one year. He then took one year post-graduate work in Hebrew and the study of theology, under Witherspoon, returning to his home to serve as teacher of his brothers and sisters. His studies in theology led him to revolt at the religious intolerance rampant in Virginia and elsewhere at that time. Among his writings of that period is a letter to William Bradford, Jr., of Philadelphia, in which the young man did, for him, an unusual thing; he let himself go. He wrote:

"But away with politics! \* \* \* That diabolical, hell-conceived principle of persecution rages among some; and, to their eternal infamy, the clergy can furnish their quota of imps for such purposes. There are at this time, in the adjacent country, not less than five or six well-meaning men in close jail for publishing their religious sentiments, which in the main are very orthodox. I have neither patience to hear, talk, or think of anything relative to this matter; for I have squabbled and scolded, abused and ridiculed, so long about it to little purpose that I am without common patience."

Madison's first public service of importance was his championship of the principle of religious freedom, and of the prohibition for America of an established church—principles still standing in the Virginia Bill of Rights.

## SUMMARY OF HIS LIFE

Continue the summary of James Madison's life. He became a member of the committee of safety in 1774—youngest member of the committee; a delegate to the Virginia constitutional convention of 1776, which he called his "first entrance into public life"; and then a member of the First Virginia Assembly under his State's new constitution, of the same year. Failing of election to the next assembly because he refused to canvass for the office, he was made a member of the governor's council. He was elected a delegate to the Continental Congress for 1780-1783. He was again a member of the Virginia Assembly in 1784, and again of the Continental Congress in February, 1787. He was a member of the Annapolis convention of 1786, of the Federal convention of 1787, and of the first House of Representatives, 1789-1797. He was the author of the Virginia resolutions of 1798, and still again a member of the Virginia Assembly in 1799-1800. He was Secretary of State under Jefferson from 1801 to 1809. He was elected President by the Democratic Party in 1808 and again in 1812. Save for his services as a delegate to the Virginia constitutional convention of 1829, March 4, 1817, marked the end of his 40 years of public life. But these facts in themselves, impressive as they are, do not warrant the claim that he is "the greatest constructive statesman our country has produced."

## JUDGED BY HIS CONTEMPORARIES

Contemporaries recognized his greatness. When a joint resolution was reported by the Library Committee to the Congress to purchase the copyright of Madison's manuscript work, Senator Asher Robbins, speaking before the Senate, February 18, 1837, said:

"I consider this work of Mr. Madison, now proposed to be given to the world under the patronage of this Government, as the most valuable one to mankind that has appeared since the day when Bacon gave to the world 'Novum Organum.'"

The Senator closed with this:

"If, then, this appropriation was merely to express a nation's gratitude to a national benefactor, it would be the least it would become her to make. But besides that we are to consider that it is to purchase for this country and for mankind a treasure of instruction whose value no man can measure, no figures can express."

One of Mr. Madison's biographers, Sydney Howard Gay, says:

"If we may trust the reports of his contemporaries, though he wanted some of the graces of oratory, he was not wanting in the power of winning and convincing. His arguments were often, if not always, prepared with care. If there was no play of fancy, there was not forgetfulness of facts. If there was lack of imagination, there was none of historical illustration when the subject admitted it. If manner was forgotten, method was not. His aim was to prove and to hold fast; to make the wrong clear and to put the right in its place; to appeal to reason, not to passion nor to prejudice; to try his cause by the light of clear logic, hard facts, and sound learning; to convince his hearers of the truth as he believed in it, not to take their judgment captive by surprise with harmonious modulation and grace of movement."



Following Mr. Madison's death there was mourning throughout the country. Public meetings were held. September 27, 1836, there was such a meeting in the Odeon at Boston. The program of the exercises was as follows:

"ORDER OF PERFORMANCES IN THE ODEON, TUESDAY, SEPTEMBER 27, 1836, OCCASIONED BY THE DECEASE OF JAMES MADISON, FORMERLY PRESIDENT OF THE UNITED STATES

"I. Voluntary on the organ: By G. J. Webb.

"II. Prayer by Reverend Doctor Lowell.

"III. Ode: By the choir of the Boston Academy of Music.

"(Poetry by Park Benjamin, music by G. J. Webb)

"How shall we mourn the glorious dead?

What trophy rear above his grave,

For whom a nation's tears are shed—

A nation's funeral banners wave!

"Let eloquence his deed proclaim,

From sea-beat strand to mountain goal;

Let hist'ry write his peaceful name

High on her truth-illuminated scroll.

"Let poetry and art through earth

The page inspire, the canvas warm—

In glowing words record his worth,

In living marble mold his form.

"A fame so bright will never fade,

A name so dear will deathless be;

For on our country's shrine he laid

The charter of her liberty.

"Praise be to God! His love bestowed

The chief, the patriot, and the sage;

Praise God! to him our fathers owed

This fair and goodly heritage.

"The sacred gift, Time shall not mar,

But wisdom guard what valor won—

While beams serene her guiding star

And glory points to Madison!

"Eulogy by the Hon. John Quincy Adams.

"V. Hymn, O God, our help in ages past.

"VI. Benediction."

The address upon this occasion by John Quincy Adams, who himself had been President of these United States from 1825 to 1829, is a masterpiece of historical analysis and forensic power. Among other things, Mr. Adams remarked:

"Among the numerous blessings which it was the rare good fortune of Mr. Jefferson's life to enjoy was that of the uninterrupted, disinterested, and efficient friendship of Madison. But it was the friendship of a mind not inferior in capacity and tempered with a calmer sensibility and a cooler judgment than his own."

In conclusion he said:

"The Lord is in the still small voice that succeeds the whirlwind, the earthquake, and the fire. The voice that stills the raging of the waves and the tumults of the people—that spoke the words of peace, of harmony, of union. And for that voice may you and your children's children, 'to the last syllable of recorded time,' fix your eyes upon the memory and listen with your ears to the life of James Madison."

But nothing in all this would warrant us in calling James Madison "the greatest constructive statesman our country has produced."

#### THE LARGER EVIDENCES

The justification of this characterization of James Madison lies in the fact that he, probably more than any other man, let it be repeated, linked world experience to the needs of a national government, and determined modes of growth and achievement of our United States apparently permanent as they have been beneficent. He, more than any other man, brought about the call of the Federal Convention of 1787; he, more than any other man, was responsible for its success; and he, more than any other man, brought about its acceptance by the people of the States.

#### CALL OF THE FEDERAL CONVENTION

The period following the American Revolution was called by William Henry Trescott of that time, and later by John Fiske, "the critical period of American history." James Madison lived in that period, and sensed, perhaps as no other man, how critical it was. The war period from 1776 to 1782 was a period of combat. But war is a binding force. War unites a people. The recent World War united our America in one common aim. Following this war, however, we have been faced with certain outward-flying forces tending to disintegrate our unity of national purpose. This was particularly the case following the treaty of Paris, in 1783. Pessimism permeated the States, burdened with their debts because of the war. The Government was without

credit. There were tariff barriers between States, Connecticut, for instance, taxing imports from Massachusetts higher than imports from Great Britain.

Some were carrying on war with the Indians—indeed, some warring with each other. Half-baked reformers then, as always, flooded the country with their weird panaceas. Organized bands were burning buildings in Carolina and carrying on a rebellion in Massachusetts. Property rights, law and order, union and self-government, liberty itself, seemed to be skidding to oblivion. Madison saw it all and determined to do everything in his power to stem the destructive onrush.

The chaotic condition of the commerce between the States was illustrated, for example, by what was known as the "Potomac question." Maryland's charter gave her jurisdiction over this river to the Virginia shore; but Virginia claimed the privilege of free navigation of the Potomac. Smuggling was a common practice. The evasion of State laws disturbed Madison, not so much because of the frauds themselves as because of the general weakness of the Confederacy, of which these were but symptoms.

Madison complained to Jefferson, then in the Continental Congress, suggesting that he confer with the delegates from Maryland about the matter. Jefferson complied with this suggestion. Madison then moved in the Virginia Legislature for the appointment of commissioners to meet with commissioners from Maryland. This meeting of commissioners took place in Alexandria in the spring of 1785. The meeting was of great interest to Mr. Washington, who had recently become president of the Potomac Co., the purpose of which was to make the upper Potomac navigable and to open up a good road to the Ohio River—all with the thought of encouraging emigration westward. It soon developed that the Potomac was of interest not only to Maryland and Virginia, but to Pennsylvania, and Delaware—indeed, to all of the States.

Because of the deplorable conditions of trade in Virginia, Madison was able to make use of the needs of the State in the interest of a conference of delegates from all the States. He prevailed upon the Virginia legislature to pass a resolution, the result of which was the call of a conference of commissioners of all the States to meet in Annapolis on the second Monday of September, 1786. On September 11 of that year commissioners from the five States of Virginia, Delaware, Pennsylvania, New Jersey, and New York showed up.

The result of the conference of these commissioners was an address, written by Alexander Hamilton and signed by John Dickinson, urging a conference of delegates from all the States to meet in Philadelphia on the second Monday of May, 1787, "to devise such further provisions as shall appear to be necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

Upon the initiative of James Madison, Virginia was the first to choose delegates to such a convention, the delegates being George Wythe, age 61; Edmund Randolph, age 34; George Mason, age 61; James McClurg, age 40; John Blair, age 55; James Madison, age 36; and George Washington, age 55. Had it not been for Madison, Washington would probably have never attended the convention.

#### SUCCESS OF THE CONVENTION

To James Madison is largely due the success of the Federal Convention of 1787. The convention had been called for the second Monday of May, 1787. Not until 11 days later, the 25th, did a quorum of the delegates make a session possible. On the third day of the conference, May 29, Mr. Edmund Randolph, of Virginia, submitted a plan for the organization of the Government. This plan was the only plan discussed throughout the convention. Our Constitution grew directly out of it. The man who first outlined the plan was James Madison, who in a letter to Edmund Randolph, under date of April 8, 1787, set forth his ideas of what the new Government should be.

Mr. Madison's place in the convention is familiar to everyone who has given any attention to that great event. Only two men addressed the conference oftener than Mr. Madison—Gouverneur Morris and James Wilson. It became more and more clear as the convention proceeded "that the first man of the assemblage was James Madison." William Pierce, a delegate from Georgia, kept some notes of his impressions of the convention. In one of these notes he wrote:

"Mr. Madison is a character who has long been in public life; but, what is very remarkable, every person seems to acknowledge his greatness. He blends together the profound politician with the scholar. In the management of every great question he evidently took the lead in the convention, and though he can not be called an orator, he is a most agreeable, eloquent, and convincing speaker. From a spirit of industry and application which he possesses in a most eminent degree he always comes forward the best-informed man of any point in debate. The affairs of the United States he perhaps has the most correct knowledge of of any man in the Union. He has been twice a Member of Congress and was always thought one of the ablest Members that ever sat in that council. Mr. Madison is about 37 years of age, a gentleman of great modesty, with a remarkably sweet temper. He is easy and unreserved among his acquaintances and has a most agreeable style of conversation."

This man Madison, later to be characterized by John Fiske as a political philosopher "worthy to rank with Montesquieu and Locke," was literally the center of the conference, for he chose a seat directly in front of George Washington, the presiding officer, with the other members on his right and left. He chose this place because, having had experience as reporter of the Continental Congress, he had set for himself the task of reporter of the convention. He was not absent a single day, nor more than a fraction of an hour in any day. He did not lose a "single speech, unless a very short one." In the midst of this remarkable labor he found time to write to Jefferson, "I have taken lengthy notes of everything that has yet passed, and mean to go on with the drudgery if no indisposition obliges me to discontinue it." It was given to Mr. Jefferson to read Madison's notes years after. Under date of August 10, 1815, he wrote to John Adams:

"Do you know that there exists in manuscript the ablest work of this kind ever yet executed of the debates of the Constitutional Convention of Philadelphia in 1787? The whole of everything said and done there was taken down by Mr. Madison with a labor and exactness beyond comprehension."

On reading the remarks of Madison throughout those laborious days, one learns to appreciate not only the faithful attention to detail but the large statesmanship of the man. "The people were, in fact, the fountain of all power, and by resort to them all difficulties were gotten over," he argued. It is in that spirit that he defended the plan of submitting the Constitution, the result of their handiwork, not to the legislature for ratification but to conventions of delegates specially elected by the people.

But, still more important, when confronted with the question whether or not the new Government should have power to coerce a recalcitrant State with force of arms, Mr. Madison said no. Such a plan was provided for in the Virginia resolution; but when the matter came up in the fourth session, May 30, Mr. Mason, according to Madison, "observed that the present confederation was not only deficient in not providing for coercion and punishment against delinquent States, but argued very cogently that punishment could not, in the nature of things, be executed on the States collectively, and, therefore, that such a government was necessary as could directly operate on individuals, and would punish those only whose guilt required it." Whereupon, the following day, Thursday, May 31, Mr. Madison observed:

"\* \* \* that the more he reflected on the use of force the more he doubted the practicability, the justice, and the efficacy of it when applied to people collectively and not individually. \* \* \* A union of the States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. He hoped that such a system would be framed as might render this recourse unnecessary, and moved that the clause be postponed."

The motion was, as he says, "agreed to nem. con.," and the subject, although subsequently brought before the conference in the session of June 15 by the New Jersey plan, was never again seriously considered.

There can be no doubt of Mr. Madison's influence upon the success of the Federal convention. One must agree with Bowers that "no one in either branch of Congress or at the head of any of the departments had approached his services in the framing of the Constitution."

#### RATIFICATIONS OF THE CONSTITUTION

Neither can there be any doubt of Mr. Madison's influence in getting the new Constitution acceptable to the States. He returned to the Congress in New York in November, 1787, led in overcoming opposition there to the Constitution, interested himself in the revenue bill, and introduced resolutions to establish three executive departments of the Government—a Department of Foreign Affairs, a Treasury Department, and a War Department.

In the first session of the first Congress, June 8, 1789, Mr. Madison moved the consideration of certain amendments to the Constitution. By these amendments he hoped to disarm the opposition to the Constitution, particularly in Rhode Island and North Carolina, not to mention his own State of Virginia. After consideration in committee and adoption by the Senate and House, 12 amendments were forwarded by the President to the States. Of these 12 amendments all but the first two were adopted by the States and declared in force December 15, 1791. They satisfied the general demand for a "Bill of Rights" and helped immeasurably toward making the new Constitution palatable to the States.

There remain two other reasons for crediting Mr. Madison with the ratifications of the Constitution. Of the 80 papers making up the *Federalist*, John Jay wrote 5; Alexander Hamilton, 51; and James Madison, 29. There is not time here to add more than to say that Mr. Madison's papers are in no sense inferior to those of his collaborators. He enjoyed the work. He would have written more had he not been called back to his State to aid there in the ratification of

the Constitution. This leads to the other fact, that the ratification of the Constitution by Virginia, tenth thus to ratify, definitely settled the question of the acceptance of the Constitution by the Union. This achievement, too, was due primarily to the statesmanship of James Madison.

James Madison's title as "the greatest constructive statesman our country has produced" can therefore be briefly summarized. The cause of religious freedom in Virginia, afterwards extended in other States, was very appreciably advanced by James Madison. The call of the Federal Convention of 1787 can be definitely traced to the act of the Virginia Assembly in 1784, affecting trade on the Potomac River, an act introduced by James Madison; to the meeting of the commissioners in Alexandria and Mount Vernon in 1785, upon the initiative of James Madison; to the invitation to the Thirteen States for a meeting of delegates at Annapolis in 1786, promoted by James Madison; to the call for a convention of delegates to meet in Philadelphia in 1787; and to the approval of such a convention by the Congress, both because of the influence of James Madison. The success of that Federal Convention depended largely upon the plan, serving as a basis for the discussions of the convention, originally drafted by James Madison; upon the theory of the noncoercion of States, stood for by James Madison; upon the first 10 amendments, known as the Bill of Rights, drawn and successfully pleaded for by James Madison; upon the 29 papers in the *Federalist* written by James Madison; upon the ratification of the Constitution by the State of Virginia because of the victory over such men as Patrick Henry, powerful George Mason, James Monroe, Benjamin Harrison, and other Virginia giants of that day, by James Madison.

In his work Jefferson and Hamilton, Claude G. Bowers says of Madison: "There was not a man in America who was his peer in the knowledge of constitutional law or history." After Madison's first great speech in the Virginia Convention, June 6, 1788, John Marshall, who had listened to him, said in after years: "If convincing is eloquence, he was the most eloquent man I ever heard." Fisher Ames, jealous opponent of Madison, confessed him to be "our first man." In his book *James Madison's Notes and a Society of Nations*, Dr. James Brown Scott, after reminding us that "the Constitution of the more perfect Union has succeeded," suggests that if different States and kingdoms should be inclined to substitute the regulated interdependence of States for their unregulated independence "they need only turn for light and leading to the little man of Montpelier, who has preserved for all time an exact account of what took place in the conference of States in Philadelphia in the summer of 1787."

"Although the 'drudgery' of the undertaking 'almost killed him,' it is fortunately a fact that, 'by an authentic exhibition of the objects, the opinions, and the reasonings from which the new system of government was to receive its peculiar structure and organization,' we are now aware, as Mr. Madison then was, 'of the value of such a contribution to the fund of materials for the history of the Constitution, on which would be staked the happiness of a young people, great even in its infancy, and possibly the cause of liberty throughout the world.'"

#### IN CONCLUSION

In other words, James Madison is entitled to our special consideration, not because of any number of ordinary services to this Government, not because of the judgment of his contemporaries, but because he initiated the Federal convention of 1787, saved the convention, and, more than any other man, got our Constitution accepted at last by all of the States. No one has ever questioned James Madison's title as "Father of the Constitution."

We Americans, always interested in the principles of justice, in the rights of the individual man, in the abolition of arbitrary power, in the firm establishment of a government of laws and not of men, in the promotion of man's liberty along the bright highway between anarchy and tyranny, principles embodied in the Constitution, would honor both justice and ourselves, it would seem, were we to go about the business of rearing somewhere, somehow, a matured artistic conception of a worthy memorial to James Madison.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations;

S. 3186. An act to promote the production of sulphur upon the public domain within the State of Louisiana;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona; and

H. R. 7255. An act to regulate the sale of Kosher meat in the District of Columbia.



## INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. COPELAND. Mr. President, I ask permission to have printed in the RECORD at this point a letter by Frederick H. Allen, of New York, on the Italian debt settlement, which appeared in the New York World of this morning.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

[From the New York World, April 14, 1926]

## THE ITALIAN DEBT SETTLEMENT

To the EDITOR OF THE WORLD:

The excellent editorials appearing of late in the World, and the speeches made in the United States Senate, make it plain that the opposition to the Italian debt settlement is made up of two elements: (1) the "bitter enders" and "the last red cent" men, seeking, or pretending to seek, that which it is impossible to get; and (2) those swayed by their sentiments against Mussolini because of his dictatorship and the methods of government that have been established and enforced in Italy, which do not accord with their ideas of democracy.

We pride ourselves on being a practical people, and one of our cardinal political policies is not to interfere in the internal political arrangements of foreign states; yet, in opposing the Italian debt settlement we violate both of these concepts.

The settlement of the Italian debt has been put by the present administration on an entirely business basis. The Italian commission laid all its cards on the table, and, regarded from this point of view, the settlement with Italy, as shown by Mr. Mellon, obliges Italy to pay in proportion to her capacity an ever higher percentage of her budget expenditures than has been exacted from either the British or Belgians. In the case of England, the settlement amounts to 4.6 per cent of the total British budget; the Belgian settlement to 3.5 per cent; and the Italian settlement to America alone, 5.17 per cent, and to America and Great Britain 11.47 per cent. Whether the comparison be made with either the total foreign trade of these countries or their national income, the proposed proportionate payments to us by Italy are much greater than in the case of either England or Belgium. Certainly to oppose the settlement is to be not practical, for no one can imagine that another commission would be able to offer more than the one presided over by Signor Volpi. Thus, as a practical matter, Italy would surely feel she had done her best to reach a desirable and honorable settlement with us, and that, if it should be rejected, she would be under no obligation to make further effort. The result for our taxpayers would be that they would be getting nothing instead of something from Italy.

Some Senators say they consider the liberal settlements proposed would add to the prestige and power of Mussolini, and for that reason they would thus attempt to influence the internal policies of Italy by using the debt as a club. As a matter of fact, should our Senate defeat the settlement it would add greatly to Mussolini's strength, for Italy would then have nothing to pay and the popularity of Mussolini would be added to, just as did Mr. Wilson's interference in the Fiume matter at the Peace Conference add to the popularity of Sonnino and Orlando, for Mussolini, with his remarkable proved ability to dramatize events and appeal to the emotions of his people, would probably arouse an even greater enthusiasm than was shown those Italian representatives on their return home from the Peace Conference in 1919 and increase the bitter feeling against us that was then stirred up in that country. It is unfortunate that senatorial dignity and that courtesy due to a friendly people could be so far forgotten by our national representatives as was the case of Senator McKELLAR when he so vehemently and unthinkingly stigmatized Mussolini as a "bandit."

Another strained argument against the settlement is this, that it would increase the power of Mussolini and so help him in what are called his imperialistic tendencies, whereas the settlement would, on the contrary, have just the opposite effect, for the reason that he, having assented to pay to us the sum of \$2,042,000,000, would be all the more bound to keep the peace in order to make the payments which thereunder Italy would be in honor compelled to make.

The statement of Senator JOSEPH ROBINSON, showing that in the proposed settlement the debt incurred by Italy to us prior to the armistice was really canceled, owing to the deferred payments and the low interest rates provided for; and the suggestion that he then made, that this debt be canceled and not be considered by us; that then by establishing a higher rate of interest on the balance, the postarmistice debt, we would in the end be as well or even better off financially, and in addition be credited for a wise and generous action, would seem to be a solution much to be preferred to the one adopted.

Democratic Senators opposing the settlement should ponder those words of Jefferson: "We certainly can not deny to other nations that principle whereon our Government is founded; that every nation has a

right to govern itself under what form it pleases and to change these forms at its own will."

Napoleon said: "Statesmanship is only common sense applied to matters of great importance."

In the case of the Italian debt settlement, to allow prejudice to defeat the settlement would be both not practical and conspicuously lacking in common sense.

FREDERICK H. ALLEN.

NEW YORK, April 10.

Mr. FESS. Mr. President, I do not intend to detain the Senate at any great length in the discussion of the problems of the Italian debt settlement. There are a few observations which I would like to make in view of the fact that some of us were Members of Congress at the time the loan was made and recall very distinctly the debates which took place at that time. One of the most thrilling incidents in the life of our time was when President Wilson came to the Capitol and addressed the Congress on the impending war under date of April 2, 1917. Among many of the statements that thrilled those who heard him, I read the following:

American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. \* \* \* Only the vindication of right, of human right, of which we are only a single champion, will suffice.

In the discussion of the problems which would be involved he further stated:

There is one choice we can not make, we are incapable of making: We will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated.

He further said:

It will involve the utmost practicable cooperation in council and action with the governments now at war with Germany, and, as incident to that, the extension to those governments of the most liberal financial credits, in order that our resources may so far as possible be added to theirs.

He also further stated:

It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well-conceived taxation.

The President further stated:

We are now about to accept the gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power.

Mr. President, soon after this address was made Congress passed a joint resolution recognizing the existence of a state of war between this Nation and Germany, and then, in due course of time, legislation came before us to extend loans to our associates in the war. In the discussion when the loans were being considered there were many sharp criticisms, because there was no provision as to the terms and time of the repayment of the loans. In fact, some Members of the House of Representatives and the Senate sharply scrutinized all the provisions of the measures and at the same time caustically criticized the lack of such terms. I recall different Members answering those criticisms. The then distinguished leader of the majority in the House of Representatives from North Carolina explained the character of the loans. He also assured the country that the loans would be repaid. Mr. Kitchin then said:

The Secretary of the Treasury said, however, that he thought some of these governments would be able to meet their obligation in some four or five years after the loan was actually made and especially after peace. But we thought best—

He is speaking now of the purpose of the committee—

under all the circumstances and facts presented to us to leave the date of maturity to the discretion of the President and the Secretary of the Treasury. The date of maturity is going to be the same as the date of maturity in the United States bonds that we issue.

That was the statement of the chairman of the Ways and Means Committee answering the criticism that the terms of repayment and the time of maturity of the loans were not fixed. Mr. Kitchin further said:

As I have said several times, I think, so far as I am concerned, I will not be bothered about that [the terms]. I believe we will be protected. The interest of the Allies to whom we loan the money and our interests will be protected by the President and by the Secretary of the Treasury.



Then the minority leader on the Ways and Means Committee, who at that time happened to be Mr. Fordney, of Michigan, made the statement that the obligations would be protected, and he also stated:

Their only purpose is to aid them—the Allies—in the best way possible to fight our battle across the sea without calling upon our men to go there. I do not believe that one single dollar of the money to be loaned to them as provided for by this bill will ever be used for the purpose suggested by the gentleman; if so, I would like to see some provision of law that would prevent it, because if they were to borrow this money from us and then retire outstanding bonds what they would have to do when in need of money would be to come again and sell their own bonds at a higher rate of interest than they are getting this money from us for, a thing not at all likely to be done by them.

I desire to quote these statements for two reasons: One is to dispel any possible idea that this was a mere gift; rather it was a loan and it was understood that in time the loans would be repaid. Mr. MADDEN, who now is the chairman of the Appropriations Committee of the House of Representatives, then gave assurance that that would be done, but at the same time he stated that it was so important that the loans should be made that, even though not a dollar of the money was ever repaid, our duty, nevertheless, would be to advance to our allies these loans.

One of the speeches that I recall very distinctly was made by Mr. RAINEY, now a Member of the House of Representatives, as he then was, in which he said:

We are making this loan in order to further our interests primarily in this World War, and from that moment when the Congress of the United States declared that a state of war existed between this country and Germany every blow struck at Germany by any of her enemies was struck also in our interest, because we have entered this war for the declared purpose of bringing it to a speedy conclusion, not for the purpose of territorial aggrandizement, not for the purpose of claiming for ourselves at the close of the war extravagant war indemnities.

I recall most distinctly the utterance of the chairman of the Appropriations Committee of the House of Representatives at that time, Mr. John J. Fitzgerald, of New York, who said, while he was sure the loans would be repaid, it was so important that they should be made that, even though he knew they never would be repaid, they should be made anyway.

I have before me also the utterances of distinguished Members of the Senate, including the distinguished senior Senator from North Carolina [Mr. SIMMONS], whose remarks have been quoted in this debate heretofore.

Mr. President, I have quoted the utterances of Members of Congress made at the time the loans were made in order that we might refresh our memory as to the fact that they were made as loans and not as gifts. There was no suggestion of that sort. I also have in mind in quoting the men who actively participated in the debate on the legislation to call attention to the fact that they realized the necessity of making the loans, despite the fact, as expressed at the time that there might be some difficulty in their collection.

I also have in mind the criticisms that were offered by some members of the minority side, then the Republicans, against the administration, which at that time was Democratic, because it did not specify a stipulation in the loans as to particular time of maturity and the terms of repayment. I did not share in that criticism at the time, believing as I did that the loans would be repaid, because I felt that no country could maintain its honor and credit by any step looking to a repudiation of its obligations.

However, some time elapsed—a period which some people think has been unnecessarily long—before steps were taken to adjust the loans. There is no question before us as to whether there should be any cancellation. That is a closed question so far as we are concerned. I do not think anyone believes that there is any basis for agitation to cancel the loans, either on the ground that they were extended as gifts, which they were not, or on the ground that the debtor nations are not in a position to pay. In other words, I believe it is better for the debtor, as well as for the creditor, that these loans should be regarded as sacred obligations, and I am quite certain that there is not a large number of people in the United States who take any other view than that.

The question with us is, Upon what basis shall the adjustment be made? Shall we take the position that every dollar, not only of principal but all the interest, shall be paid whether or not the debtor nation is capable of making such repayment? Mr. President, I do not believe any Senator would be, in my judgment, so short-sighted and so regardless of the welfare of our own country as to insist upon pushing a debtor nation beyond its ability to pay, and thus make possible a collapse

and a total cancellation by forfeiture of the debt. Neither do I believe there is any Senator whose prejudices are so deeply grounded against any country that he would want to push that country beyond its ability to pay.

I assert that every consideration of sound economics, both for the debtor and creditor country, should lead us to adopt the policy of payment according to ability to pay rather than payment according to specific terms. In other words, I am convinced that the action of the administration in refusing to attempt to specify exact terms of repayment in 1919, when the money was loaned, because it could not be foretold what the conditions after war would be, was a wise policy and not properly subject to the severe criticism that was leveled against it at the time. On the other hand, I hold that the lapse of time has proven the wisdom of keeping open the terms of collection, and the ability of the nation to pay seems to me to be the sound principle upon which to proceed.

That is the position we have taken, as I understand, with Great Britain and every other country with which a settlement thus far has been made or proposed. In the case of Great Britain we canceled not \$1 of principle, but her note is \$4,600,000,000; and when it came to fixing the rate of interest there was a question as to whether we should concede anything to Great Britain below the ruling rate allowed on the Liberty bonds, 4½ per cent, for whatever reason—whether because of her industrial and financial condition, due to the war, or whether because in the anticipated future the rate of interest might rule less than it is ruling to-day. The rate of interest this Government is paying now is 4½ per cent. We are going to give 62 years in which Britain is to pay the debt. The question was: Should we charge 4½ per cent for the 62 years, the basis upon which we are paying interest now, or should we make a concession on interest? The decision, both by the commission and by the approval of Congress, was that we would make a concession, and instead of 4½ per cent interest the rate that has been fixed is 3 per cent for the first 10 years and 3½ per cent for the next 52 years. If we take that on an average, there is a concession of interest from 4½ to about 3½ per cent, which would be a reduction of annual rate of a little less than three-fourths of 1 per cent, and, rendered in actual percentage, that would be settling on the basis of about 83 per cent of the interest. Mark you, it is not a cancellation of a dollar of the principal. That is to be paid 100 per cent; but it is a concession of about 17 per cent on the interest, ranging below what interest ranges to-day.

That being the basis that has been adopted with all the countries except Italy, as to which we are making a very remarkable concession on interest, it at once becomes a question of keen debate and dispute. In the case of Italy not one dollar of the principal is canceled. In fact, the original principal was \$1,648,000,000, but the principal upon which we are settling is \$2,042,000,000. In other words, the interest on \$1,648,000,000 at 4½ per cent up to a certain time—December 15, 1922—is added to the principal when we come to settle the principal, remembering that every dollar of it is to be paid, not a dollar to be canceled. Then the question of concession of interest comes to us, as it did in the case of Great Britain. If we settled with Great Britain on the basis of 83 per cent of her interest, giving her a concession of 17 per cent, what concession, if any, should we make to Italy, and upon what basis should we make it?

Mr. President and Members of the Senate, I think that Italy, compared with other debtor countries should receive very favorable consideration from this body. She has a country half as large as France, with a population almost as large as that of France. She has not any raw material in any great quantity. About all she has is silk and water power and her labor, and her labor up to date has served as a chief element of revenue through the emigration policy of Italy. Since we have cut off the large immigration from Italy by our last legislation, that source of revenue, as far as our country is concerned, is almost entirely dried up. It is not dried up as far as Italy is concerned, of course, because Italy's emigration is going now into South America in great quantities. There will be revenue from that particular source in the future, but it will not come so much from the United States, as must be apparent to every Senator.

Mr. President, Italy has little if any coal. The United States in contrast has 43 per cent of all the coal mined in the world, and we use 42 per cent. Italy has no iron to speak of. The United States has 54 per cent of all the iron produced in the world, and consumes 53 per cent. Italy has very little if any copper. The United States produces 49 per cent of all the copper mined in the world, and consumes 44 per cent. Italy has no cotton. The United States produces 69 per cent of all the cotton produced in the world, and consumes 37 per cent of



it. Italy has little if any oil. The United States produces 64 per cent of all the petroleum produced in the world, and consumes 72 per cent. In other words, the United States is not self-sustaining in her production of oil.

These are largely basic elements in the tremendous wealth of the United States. All of them are lacking on the part of Italy. That is a feature that it seems to me ought to be included in the consideration of this subject as between the United States as a creditor country and Italy as a debtor country.

Mr. President, the United States has a wealth that is variously estimated at \$380,000,000,000. Italy's wealth, according to the latest figures, is \$22,300,000,000. Our wealth, therefore, is over seventeen times that of Italy.

Mr. BORAH. Mr. President, where does the Senator get his estimate of Italy's wealth at \$22,000,000,000?

Mr. FESS. I took it from the Government actuaries' reports repeated by the Senator from Utah [Mr. Smoot].

Mr. SMOOT. Mr. President, I will say that we got that figure from Italy's own estimate of her value, and the other countries of the world also use the same identical figure.

Mr. BORAH. Mr. President, the London Economist gives the national wealth of Italy at this time as \$33,000,000,000. The World Almanac gives it as \$35,000,000,000. Every authoritative publication that I know of, outside those that are interested in this debate, gives it as over \$30,000,000,000.

Mr. SMOOT. Mr. President, we had the Secretary of Commerce, Mr. Hoover, make a thorough examination as to the values that I quoted in my speech, and that was the report that the Secretary gave to the commission. Not only that, but I will say to the Senator that I have the official figures from the representatives of Italy, and they say that the total value of Italy is from \$20,000,000,000 to \$22,000,000,000.

Mr. BORAH. Mr. President, the territory which they acquired during the war is estimated at almost one-half of the \$22,000,000,000.

Mr. FESS. Mr. President, the figures that I have given come from the actuaries of the Government and were verified by the statement of the Senator from Utah [Mr. Smoot]. I have not thought it necessary to go further into that matter. I aim to deal with accurate statements rather than irresponsible utterances.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. FESS. I yield to the Senator from New Jersey.

Mr. EDGE. I might draw the further attention of the Senator to the estimate of the Bankers' Trust Co. of New York, which company, as the Senator knows, has branches all over Europe and elsewhere in the world. The Bankers' Trust Co. of New York estimates Italy's national wealth in 1923 as \$21,500,000,000.

Mr. FESS. That is less than the figure I gave.

Mr. President, the estimated annual income of the United States is three and a half times the total wealth of Italy, which strikes me as one of the most startling statements that could be made in reference to the comparative wealth of the two countries. I am not offering that as a reason why there should be any undue concession. Just because our country is wealthy and is the creditor of Italy, not so wealthy, is the debtor, I do not mean to quote these figures to indicate that there should be undue concessions. What I have in mind is that the disparity in ability to take care of an obligation is so sharp and so great that I think it ought to be taken into consideration.

Mr. EDGE. Mr. President, will the Senator yield again?

Mr. FESS. I yield to the Senator from New Jersey.

Mr. EDGE. I do not want to disturb the Senator's train of thought; but in view of the fact that the Senator has stated that he was not using the wealth of the two countries as an argument except in passing by way of comparison, I might draw attention to the fact that the Senator from Tennessee [Mr. McKellar] yesterday, in arguing against the settlement, very distinctly used the relative bonded indebtedness of the two countries as an argument against the settlement when he drew attention to the fact, which I think is entirely correct, that our bonded indebtedness incurred in the war is \$20,000,000,000, as compared with Italy's bonded indebtedness of, I think, three and one-half billion dollars. That, of course, demonstrates that the bonded indebtedness in our case is practically five times as great as in the case of Italy; but when using that as an argument it is quite proper, it occurs to me, to use the national wealth also as an argument.

Mr. FESS. I thank the Senator for his comment.

Mr. President, so far as the relative wealth of the two countries goes, I think it should have very little effect upon our decision, save as suggestive of our policy, to wit, that the ability of the debtor country to pay should be the determining

factor not only for the sake of the debtor country but also for the sake of the creditor country. If we insist upon a debtor country doing beyond its ability to do, it will repudiate the obligation that it owes; it takes no argument to convince anybody that as between total financial collapse and repudiation, the latter will be chosen rather than the former. From our standpoint, therefore, it seems to me it would be an unwise policy to push a country beyond its ability to pay, because we would probably lose the entire payment by giving the debtor government a basis upon which to make that decision, unwise as it would appear to me to be.

Mr. President, there are certain things that we as an interested creditor ought to have in mind in our consideration of what a debtor should do. In the first place, if the debtor should continue to spend more than it collected, and refuse to balance its budget, as many countries do, I should look with considerable sympathy upon the views of those who assert that we ought to be more rigid than we are; but that is not true with Italy. Italy is one of the few European countries that have adopted the plan of balancing the budget.

That may be either in increasing her production, which is under the limit of her natural resources, or in cutting off some of her expenditures. Italy is doing both of those things. I know countries in Europe that are not so much concerned about their expenditures, if we are to judge by the obligations they are making, but that statement can not be truly made about Italy. She is pushing her production to the very limit of her ability and she is reducing her expenditures down to the bone, and in that way has succeeded in balancing her budget.

There is another item which a creditor ought to take into consideration in regard to a debtor, and that is whether the debtor is put in such a position that it can know something definite about the amount of its obligations. So long as we fail to make an adjustment so that the debtor country knows precisely the size of its obligations, so long will indefiniteness continue, and so long will there be chaos so far as the fulfillment of future obligations goes.

That was one of the difficulties that faced Germany until the famous commission made its report. So long as Germany knew nothing about what she was to pay in the form of reparations, there was absolutely no possibility of putting the full capacity of German industry into action, but as soon as a definite plan was agreed upon, so that the debtor knew something about how large the obligations annually coming due were, they could make some specific arrangement to meet them.

That is the case with Italy, and one of our chief concerns as a creditor of Italy would be to make definite what her obligations to us are, so that she can make her plans to meet them. That is in her interest, and it will be indirectly greatly in our own interest.

I have insisted that no country will take the position voluntarily of repudiation, because of the economic effect, the penalty economically that would be visited upon it. Such a policy would drive all liquid capital out of the country and bar foreign capital from entrance. Therefore I believe that there is no doubt about every debtor country, including those which have not yet made their arrangements with us, making definite plans for the adjustment of the obligations.

Mr. ROBINSON of Arkansas. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Does the Senator feel reasonably assured that the plan which has been adopted for the payment of German reparations can be and will be carried out?

Mr. FESS. No one can be assured of it. There are now and then dispatches coming out of Germany which indicate her difficulty in making her next reparations payments. I do not know all the facts, but I am quite certain that the wisest course the interallied countries could make would be to make specific and definite that obligation.

Mr. ROBINSON of Arkansas. The Senator from Ohio thinks it is possible to make definite now the amount Germany can and will pay?

Mr. FESS. I have not the data on which I could make that statement.

Mr. ROBINSON of Arkansas. The Senator has made the statement, as I understood him, that until it is definitely ascertained what Germany will pay, it is impossible for German industry to resume full operations, implying, as I understood him, that the effect of the arrangement which has been consummated is to bring German industry back into full operation. What I ask him now is whether he feels, from all the information he has, that the plan which is in force at present will be carried out.

Mr. FESS. I am very hopeful that it will be.



Mr. ROBINSON of Arkansas. We are all hopeful, of course, but that is not quite responsive to my question, and if the Senator has information sufficient upon which to reach a conclusion respecting that point, I wish he would state to the Senate whether he believes that Germany can and will carry out the arrangement that is now contemplated with respect to the payment of reparations.

Mr. FESS. I do not have the data necessary for me to predicate a specific judgment on that.

Mr. ROBINSON of Arkansas. The Senator plainly implies a doubt, at least he indicates, as I feel sure is the fact, that sufficient information is not now available to enable him to reach a reliable conclusion respecting the question I asked him. What effect does the Senator believe will result if Germany defaults finally in her payments of reparations under the Dawes plan, or under any other plan that may be agreed upon? What effect will that have upon the consummation of the Italian debt settlement? I do not mean upon the passage of this bill, but upon the actual carrying out by Italy of the settlement contemplated by the bill.

Mr. FESS. Whatever loss Italy must suffer by the failure of the small proportion of reparations she is to get will further disqualify her in ability to pay her debt to us.

Mr. ROBINSON of Arkansas. So that if a readjustment with Germany becomes necessary with regard to the amount of reparations she is to pay, another readjustment will be necessary with Italy in regard to the payments she is to make to the United States under this plan.

Mr. FESS. I think our commission very wisely has refused from the beginning to settle the obligation of any of these countries to us upon the condition that Germany is to pay any amount of reparations. I think that was a very wise decision on the part of the commission, because we do not want to become the collecting agency of these governments against any country.

Mr. WILLIAMS. Mr. President, will the Senator yield, so that I may interpose a question at this point with respect to German reparations?

Mr. FESS. I yield.

Mr. WILLIAMS. Does not the Senator from Arkansas understand that there is complete flexibility in the plan for the payment of reparations from Germany, and even though Germany might fail to make its next payment that will not absolve Germany from future payments?

Mr. ROBINSON of Arkansas. Certainly, Mr. President. The Senator from Missouri has indicated by his question that he has failed completely to grasp the significance of the questions I am asking the Senator from Ohio. The Senator from Ohio, I think, has fully comprehended my question. My point is that, taking the statement of the Senator from Ohio in response to my question, we are making a settlement by this bill which will possibly not be carried out for the reason that Italy's ability to pay depends in large part on Germany's carrying out the arrangement that has been made with respect to the reparations she shall pay to Italy, and if Italy does not receive the reparations contemplated from Germany, we will have to make a new settlement or revise our settlement with Italy.

Mr. WILLIAMS. Mr. President, I did not misunderstand the point made by the Senator from Arkansas, but my point was that the two things are quite dissimilar; that there is no relation between the two; that the settlement with Germany was a provident settlement; that time is not of the essence of that settlement; that if Germany fails to make a payment of reparations when the next one becomes due, it does not follow that she can not make the payment at a future time.

Mr. ROBINSON of Arkansas. I understand that perfectly, Mr. President.

Mr. WILLIAMS. And that there is no provision, under this settlement, by which Italy—

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Missouri surely can see that if there shall be a reduction in the amount of the reparations Italy is to receive from Germany, the principal source from which Italy is to derive the funds with which to carry out the settlement with the United States, the settlement contemplated by the pending bill, which is the payment of reparations by Germany, as there necessarily must be if Germany proves unable to meet the payments generally, then Italy will expect a readjustment of her settlement with the United States.

Mr. WILLIAMS. No, Mr. President, I do not misunderstand that, if the Senator pleases. The settlement with Italy is an independent settlement. The settlement with Italy, so far as the report of this commission is concerned, is predicated upon Italy's ability to pay, without reference to what moneys she may receive from Germany through reparations under the Dawes plan.

Mr. ROBINSON of Arkansas. Mr. President, the Senator is mistaken. The Senator from Utah [Mr. Smoot] said plainly in his speech to the Senate that Italy never could carry out this settlement if Germany defaulted finally in the payment of reparations due Italy under the plan now in force; that Italy must get the funds with which to carry out the settlement from German reparations. True, the commission did not embrace in the bill any provision relating to a modification of the settlement in case Germany should fail to pay Italy's reparations, but the Senator from Utah made it quite clear, and other Senators have done so, that the value of this settlement depends upon the amount of reparations which Germany shall pay to Italy.

Mr. SMOOT. Mr. President—

Mr. ROBINSON of Arkansas. I know it does not in contemplation of law. I understand the law in this particular. But in practical effect, if it be true that Italy can not pay the United States unless she collects reparations from Germany, then it follows that if the amount of reparations which Germany is to pay to Italy shall be permanently reduced the amount of the payments Italy will make to the United States will be correspondingly reduced, and we might just as well face the fact that we are making a settlement now which will probably have to be revised.

Mr. WILLIAMS. And in facing the fact it is just as well to have some knowledge of the plan to be worked out under the Dawes Commission.

Mr. FESS. I yield to the Senator from Utah.

Mr. ROBINSON of Arkansas. Just a moment. I do not know what the implication of the statement of the Senator from Missouri is. I assume that the Senator from Missouri does understand the Dawes plan, but for the purposes of this argument it is not material what the exact detail of the Dawes plan is. If it fails to work permanently, or if future circumstances prove that Germany is entitled to a revision of the amount of reparations she must pay, if in time we come to apply the same yardstick to Germany that we apply to Italy, everybody knows that German reparations will be reduced. If we compare the amount of the indebtedness which Italy proposes to pay by this settlement, for instance, during the first 10 years, taking into consideration also the amount she must pay to Great Britain, with the amount of reparations Germany is required to pay in the next 10 years, it will be realized that the measurement that has been applied in the case of Germany is totally different from that applied in the case of Italy.

Mr. WILLIAMS. Then my purpose was, though it may be that I do not know what we are talking about, to dissociate, if possible, the German reparation settlement and the proposed Italian settlement.

Mr. ROBINSON of Arkansas. I agree with the Senator that legally the two are dissociated, but I assert that actually and as a matter of practical advantage the two are inseparable in the way the matter has been presented to the Senate.

Mr. WILLIAMS. But the payments under the Dawes plan will proceed. Time is not of the essence of those payments. If they can not pay now, they must pay when they procure marks with which to pay.

Mr. ROBINSON of Arkansas. But if they never procure them, they will not pay, of course.

Mr. WILLIAMS. And if they do not procure them, they would not pay and should not pay.

Mr. ROBINSON of Arkansas. Certainly; and then there will be a revision of the German reparations, and in truth that is what the world may expect.

Mr. WILLIAMS. I do not want the Senator to understand that my position with reference to the Italian debt settlement is based upon Italy's ability to pay. I do dissociate the two things in my own mind. I regard the Dawes settlement and the plan worked out under that settlement as equitable not only to the creditor nations of Germany but equitable to the people of Germany. I am not impressed with the present ability of Italy to pay as an argument why the settlement should be made.

Mr. REED of Missouri. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the senior Senator from Missouri?

Mr. FESS. I yield.

Mr. REED of Missouri. I understand the Senator from Ohio wants to emphasize the point that the proposed Italian debt settlement is a settlement that is, in the opinion of the Senator from Arkansas [Mr. Robinson], one that is hard and fast; that we are basing it upon the ability of Italy to pay at this present time, and that hereafter if Italy is unable to pay she will not pay; but that in the German settlement, even if Germany is not



able to pay to-day or able to pay next year, she does not thereby escape. The French say to Germany, "If you can not pay to-day or to-morrow, you have got to pay ultimately, anyway, when you are able to pay." That is the difference between the Italian settlement and the German settlement.

Mr. SMOOT. The Senator is wrong in his conclusions, I will say.

Mr. WILLIAMS. I understand the settlement as made under the Dawes Commission plan is responsive to a well-defined, well-understood, sound economic plan and depends upon the ability of Germany to procure, not in Paris nor in London nor in New York, dollars or pounds or francs, as the case may be, but is based upon the proposition that she receives at the Reichsbank in Berlin gold marks with which to pay.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield to me to ask the Senator from Missouri a question?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Does the Senator from Missouri think, or does he not think, that in effecting this settlement both the commission on the part of the United States and the commission representing Italy took into consideration the undertaking of Germany to pay reparations to Italy in determining the ability of Italy to pay the United States?

Mr. WILLIAMS. The only way I can answer that and the only information I have is from the press as to statements reported to have been made by Volpi when he returned from the United States and from Great Britain.

Mr. FESS. Mr. President, I shall have to decline to yield further except to the Senator from Utah [Mr. Smoot], who has been trying for some time to secure my permission to interrupt. I yield now to the Senator from Utah.

Mr. SMOOT. For the RECORD and in order that the matter may be perfectly straight, I want to quote what I said on this question:

The commission did not neglect to make a careful study of Italy's interest in reparations and its effect on her capacity of payments. Reparation receipts, of course, represent a new credit to Italy in her international balance of payments. Up to the present time Italy's reparation receipts have not been relatively very large. There is no doubt, however, but that they have been of substantial assistance in enabling Italy to balance her budget and restore economic equilibrium.

Italy receives only 10 per cent of German reparations, against 52 per cent allotted to France and 22 per cent to Great Britain. To compensate Italy for the small percentage of German payments she was given 25 per cent of Austrian, Hungarian, and Bulgarian reparations. But Italy has been compelled to renounce practically all of these latter payments as her contribution to the reconstruction and restoration of her former enemy countries. She has received reparations in substantial amounts only from Germany. Up to August 31, 1924, when the Dawes plan went into effect, Italy had received 456,000,000 gold marks, all in the form of deliveries in kind, chiefly coal. Up to August 31, 1925, the end of the first Dawes-plan year, she had a credit on the books of the agent general of 66,000,000 gold marks, nearly all of which was applied to payment for deliveries of coal, coke, and allied products. Italy normally should receive 10 per cent of the Dawes-plan payments, but as prior to August 31, 1924, she received heavier payments than she was entitled to receive, her share is to be reduced during the next few years till the extra payments are absorbed. During the second Dawes-plan year, 1925-26, it is estimated that Italy will receive 84,000,000 gold marks; 1926-27, 77,000,000 gold marks; 1927-28, 127,000,000 gold marks; and 1928-29, 175,000,000 gold marks. It is expected that deductions from Italy's share will cease after 10 years, so that in 1935 and thereafter Italy should receive about 195,000,000 gold marks annually. When the normal yearly payments are reached, the distribution per capita of German reparations will be substantially as follows: Italy, \$1.19; Belgium, \$4.75; and France, \$6.18. No one can deny that German reparations will largely provide Italy with the means of making the payments required under her debt settlements with the United States and Great Britain. This is a fact, whether we admit it or not.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Utah a question?

Mr. FESS. I yield for that purpose.

Mr. ROBINSON of Arkansas. If Italy is to derive from German reparations the funds with which to execute this settlement, and German reparations fail in whole or in part, does it not follow that Italy will default in the carrying out of this settlement?

Mr. SMOOT. I think if Germany defaulted wholly that it would be impossible, perhaps, for Italy to pay according to the terms of the agreement, but it does not relieve Italy of any obligation. At any time she is able to pay she has to pay. For instance, with reference to the situation as to Germany

to-day, it is generally conceded that under the Dawes plan she will have to pay \$10,000,000,000 to \$11,000,000,000.

Mr. ROBINSON of Arkansas. How much does Germany pay during the first 10 years and how much does she pay annually?

Mr. SMOOT. I have not the list of payments here now.

Mr. ROBINSON of Arkansas. I mean the total reparations under the Dawes plan?

Mr. SMOOT. I have not that figure here now. I have the original amount that they were to pay, but I have not the later figures.

Mr. WILLIAMS. They pay \$625,000,000 a year.

Mr. SMOOT. We must remember that all of the German pre-war indebtedness was wiped out, and if she carries out the Dawes plan as contemplated and as generally understood she will have to pay about \$10,000,000,000 to \$11,000,000,000. France, of course, owes more than that to England and America, or approximately that with the interest added. Germany is more capable of paying her reparations than Italy is possibly capable of paying her indebtedness to the United States, not taking into consideration that she is owing England more than she owes the United States. But, of course, in the settlement the commission did not take into consideration that we were not going to get anything from Italy because of the fact that she was going to receive her reparations, but I do know that it will have a great bearing upon the ability of Italy to pay the United States.

Mr. ROBINSON of Arkansas. Does the Senator from Utah feel that the same test of ability to pay was made as to Germany in the Dawes plan that is being made as to Italy in the pending bill?

Mr. SMOOT. I think upon the same financial basis and based upon the ability of all of the countries to pay.

Mr. ROBINSON of Arkansas. Does the Senator think that Germany is as able to pay \$625,000,000 a year in reparations as Italy is to pay the United States \$5,000,000 a year in debts and Great Britain \$20,000,000 a year in debts?

Mr. SMOOT. That, of course, is only the beginning, I will say to the Senator.

Mr. ROBINSON of Arkansas. The Senator does not pretend to say that it is practicable or possible now to measure the ability of Italy or any other country to pay 25 or 62 years from now?

Mr. SMOOT. No.

Mr. ROBINSON of Arkansas. The conclusion the committee reached was based entirely upon existing conditions.

Mr. SMOOT. No; not entirely, I will say to the Senator.

Mr. ROBINSON of Arkansas. Existing facts and conditions reasonably to be expected.

Mr. SMOOT. We have one settlement plan with a country that was absolutely impossible for it to carry out, and it had to ask an extension of time on \$3,000,000.

Mr. FESS. Mr. President, I think I shall have to decline to yield further.

Mr. ROBINSON of Arkansas. I think the Senator from Ohio is entitled to resume his speech.

Mr. SMOOT. I apologize to the Senator from Ohio.

Mr. FESS. It is perfectly proper, because Senators have brought out phases of the discussion that I think every Senator wanted to hear.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. FESS. I yield.

Mr. SWANSON. This settlement has been invoked as being similar to the Dawes settlement, and it has been so claimed in order to give this settlement recognition and support in the country, but I think there is a difference between this settlement and the Dawes settlement. I would like to have the Senator explain if my impression is not true.

Mr. FESS. I would be glad to do that. Probably I was unfortunate in using my illustrative material.

Mr. SWANSON. Let us see if this is true—

Mr. FESS. Let me state it, and let the Senator see whether I am accurate or not. I had made the statement that certain things should be done in a debtor country and that the creditor country should be interested in those things being done. One was that the budget must be balanced. Italy has done that. The other was that obligations ought to be distinctly stated, and there I used the Dawes plan as an illustration.

Mr. SWANSON. My objection to the plan is that it is not in accordance with the Dawes plan. If I understand the Dawes plan correctly, it did not have anything to do with the ultimate payment that Germany had to make in reparations and it did not affect the \$32,000,000,000 of reparations that must be cared for. The Dawes plan, as I understand it, determined the capacity of Germany to pay yearly. The Vice President deserves a great deal of credit for having effected

that plan. The Dawes Commission determined that Germany could pay so much yearly. It did not affect at all the ultimate payment that Germany ought to make. The payment of \$32,000,000,000 was not affected by the Dawes plan.

My objection to the Italian debt-settlement plan is that it fixes the annual payments at so much a year, and at the end of 62 years the debt is canceled. That is the difference between this plan and the Dawes plan. The Dawes plan provides for \$600,000,000 a year, and leaves the question of ultimate payment to the developments of the future.

Mr. FESS. I think I shall have to decline to yield until I make one or two statements, because I do not want this speech of mine to be made by my colleagues.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield just a moment?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I must decline to yield, and I do so as genially as the Senator asked me to yield.

Mr. ROBINSON of Arkansas. I think the Senator from Ohio has been very generous.

Mr. FESS. As I recall, the Dawes plan was based upon four fundamental principles that are easily understood when clearly stated. The first one was that Germany must subject herself to as heavy taxation as the Allies. In other words, she can not decline the payment of reparations and at the same time refuse to adopt a rational taxation system. That is the first principle, and Germany acceded to it.

The second principle was that the Allies must be willing to loan \$200,000,000 of actual specie as a basis for a new issue, that the depreciated mark might have substituted for it a mark that is worth its face value, because it would be redeemable. It was not only provided that the specie must be actually delivered, but it had to be delivered by the Allies, because the Allies must be interested in the restoration of Germany or she would not be restored. That was the second provision. The United States not only agreed to loan 50 per cent of the entire amount, but when she agreed to loan \$110,000,000 of the \$200,000,000, it was oversubscribed, I understand, thirteen times in about as many minutes.

The third provision was—and this is what the Senator from Virginia had in mind—that Germany, with those conditions established, must be willing to pay to the extent of her ability the reparations that had been stipulated.

Mr. SWANSON. The Senator is mistaken about that.

Mr. FESS. The fourth item was that with those conditions met, France must be willing to evacuate the occupied portions of German territory.

Mr. SWANSON. My contention was that the Dawes plan simply fixed the amount of yearly payments. The ultimate payment was not affected at all by the Dawes plan. I say the trouble with the present proposed plan is that it fixes the ultimate payment which it is said is necessary for Italy, and does not say it is necessary for Germany. I am willing to vote for the settlement if it shall be confined to yearly payments, and let the ultimate payment in 62 years be on the basis of the Dawes plan with reference to the future payment by Germany.

Mr. FESS. We are not going to dispute about what is the opinion of the Senator from Virginia. It is only the opinion that I am expressing that I want to get before the Senate, and I have stated that. I use that illustration as evidence of the wisdom of our definitely specifying Italy's obligation to us, and I repeat that until settlement is made, so that Italy shall know what her obligation is to be, there is no economic recovery possible in Italy to the fullest extent.

The third view that I have is that our ability to collect the debt will largely depend upon the progress of Italy and her ability to secure necessary liquid capital, for she does not possess it herself, and everybody is aware why she does not. It must depend upon her ability to get credit from other countries, and ours is the country from which it is possible for her to obtain credit. Until Italy has made her stipulation to pay, so long as there is anything uncertain about the fulfillment of her governmental obligation there is no possibility of private capital going to Italy.

For that reason it is to the interest of Italy first, and to our interest indirectly, that Italy be met on the basis of her ability to pay and that the contract be closed. She has balanced her budget, which is good. We are to specify definitely what she is to pay, which is wise. Then private capital will ultimately flow into Italy to reinvigorate her industries and enable her to produce and sell in order that she may have the wherewithal with which can pay the debts which she owes. It seems to me that those propositions are fundamental, and two of them depend upon our action.

The Senator from Arkansas raises a question now of Italy's ability and purpose to pay. We have no purpose to involve the payment of German reparations as a condition to receiving our payment, but it is true that if reparations are not paid, small though they be—for only 10 per cent of the reparations to be paid will go to Italy—it goes without saying that Italy's ability to pay her debt in that degree is going to be crippled. Nobody wants to deny that, but we do not take England's view. Italy owed to England a much larger debt than Italy owes to us, yet England settled the debt at a much less figure than is called for by our settlement with Italy and wrote into it a condition making it dependent upon the payment of German reparations. We did not do that, and I do not think it would have been wise for us to have done so, for the reason, as I said a moment ago, that we as a Government are not going to become the collecting agency of any government in Europe. The considerations which I have mentioned, it seems to me, ought to argue very strongly here for the expedition of this proposed legislation.

The Senator from Arkansas also suggested that we shall have to revise this settlement. That may be, but that is no reason at all why we should not make the settlement now. It seems to me it is an argument that we ought to make the settlement upon the data that we have at hand as to the ability of Italy to pay; and if a revision is impelled by considerations that may develop later, we shall meet that question when it arises.

Mr. KING. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield to the junior Senator from Utah.

Mr. KING. Of course, if any of the nations which are debtors to the United States are dependent for meeting their obligations to us in part upon the payments received from Germany, then the same principle would apply to France and to England, and there might be a temporary revision from year to year to meet the contingencies which possibly might affect the payments from those countries.

Mr. FESS. I thank the Senator for that observation. What he has stated is absolutely true.

Mr. KING. I agree with the Senator that that ought not to be a reason for failing to enter into this settlement.

Mr. EDGE. Mr. President, it does not make the settlement less desirable, because it may be necessary to revise it; in fact, it makes it more desirable, I should assume.

Mr. FESS. That is true.

Mr. SMOOT. Mr. President, the bill itself provides for that. It provides that whenever a country can not pay one year, upon a certain length of notice it may be excused from paying for a period of two years.

Mr. FESS. Mr. President, there is another consideration that appeals to me immensely in reference to this particular settlement. That is the character of taxation that Italy has adopted and from which her people are now suffering. Some of the governments in Europe, as I suggested a moment ago, have tried to avoid heavy taxation. They have avoided it to a point where it has become a subject of very severe criticism from this side of the water from those who are creditors of those nations. However, that is not the case as to Italy. It seems to me that her taxation system is tremendously burdensome; in other words, every conceivable source of revenue that the Italian Government can find has been sought out, and taxation is so heavy that I wonder how the people get along under the burden. Consider our own system of taxation. Mr. President, if the exemptions in our income tax law should be applied to Italy and salaries and incomes below that exemption were not subject to taxation in that country, there would be more taxpayers—and I want the Senate to get this—there would be more taxpayers having incomes above the exemption in the city of Chicago alone than in the entire Kingdom of Italy. In other words, their taxation is so burdensome that it goes into the very recesses of every source of wealth.

Mr. President, we are the first country in all the world in agriculture. Italy is way down on the list, because she is very poor in agricultural ability. She can not produce the food she needs, and any country that must buy the necessities of life in order to subsist is in an unfortunate situation, unless that deficiency can be recouped in some other way.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield to the Senator from New York.

Mr. COPELAND. In that connection has the Senator called attention to the large purchases of the products of the farm made by Italy from the United States?



Mr. FESS. I have not done that; but the Senator from Utah [Mr. Smoot] covered that subject and did so in a very exhaustive manner, and presented comparative figures.

Mr. COPELAND. It seems to me, Mr. President, that it would add strength to the argument of the Senator if at this point the fact were brought out that last year Italy bought from the United States \$91,000,000 worth of cotton, \$26,000,000 worth of wheat, \$8,000,000 worth of oil, \$28,000,000 worth of copper, all from the fields and mines and wells of this country.

Mr. FESS. I did not repeat those figures because they were dealt with exhaustively by the Senator from Utah the other day; but they are very pertinent, I will say to the Senator from New York.

Mr. President, I was about to say that in transportation facilities and their extent we are the first country in all the world; we are first in mining and manufacturing of all the nations of the world, and we are first in our banking resources, having about three-fifths of the banking resources of the entire globe. We are also first in managerial ability and in the organization of industry, and first in the initiative of labor. In other words, America does not only possess all the basic elements at the bottom of great material wealth, but is first in every single one of them. Italy is a country that is away down in rank in all of these basic elements, and she owes us a tremendous amount of money; one-tenth of her total wealth is owing to us in cash. Due, I believe, to the obligation we owe to the citizens of America, we can not give such an amount of money to any country; we have got to regard the debt as an obligation which must be respected, and we are proposing by the pending settlement bill to have every dollar of the principal paid; but when it comes to paying the interest, stretching over 62 years, in the face of Italy bending under her system of taxation in order to make her budget balance, resorting to every element of industry in order to produce to the maximum, cutting to the very bone in her expenditures, and at the same time respecting her obligation, the question comes to me, Shall we make a concession in the interest charge?

The settlement now under consideration provides for the payment of 100 per cent of the principal. We conceded to Great Britain 17 per cent of the interest; but the pending proposal is to concede to Italy a much larger percentage than to Great Britain, and I think it is justified. I shall not for a moment hesitate in voting for the proposal, and I shall do so as one who was in Congress when the loans were made, with the understanding that they were never to be considered a gift, but that they were to be considered an obligation, sacredly regarded and to be repaid. I was one who wondered why we should not enter into specific stipulations at the time, but was convinced, under the leadership of Woodrow Wilson, that that was not the time for us to make such terms. I do not think now it lies in the mouth of any Member of the Senate to say that we ought, after eight years, to quibble about what the terms shall be, but that the settlement should be based on the ability of the Government to pay. Anything else is unwise from the standpoint of America and would be unwise from the standpoint of the debtor country.

#### MATERNITY AND INFANCY ACT

Mr. SHEPPARD. Mr. President, unless some Senator desires to discuss the Italian debt settlement bill, it is my intention to speak very briefly on another matter.

Mr. President, recently I addressed inquiries regarding the work under the maternity act to the proper authorities in cooperating States, and asked permission in an address before the Senate on this act to append the replies and the summaries of the work in these States, as a part of my remarks, with the headings I had supplied. That permission was granted by the Senate. I had not at that time assembled the replies in proper shape for publication. They are now ready, and I present them for insertion in the RECORD as a part of my remarks.

I asked these State agencies also for a few copies of letters which they might have received from mothers who had experienced the benefits of the act, or from others who had observed its operation. Quite a number of these were sent me, and I shall be glad to show them to anyone desiring to see them. On account of the large number, I shall not ask to place them in the RECORD at this time. I may read some of them to the Senate later.

It is hardly possible to examine these replies and summaries from State agencies and these letters of comment without an increasing appreciation of the importance and the necessity of this work. The replies and summaries I present cover the work of the 43 States and of the Territory of Hawaii, cooperating with the National Government under the maternity and infancy act.

As to the present status of the measure, let me add that, after consultation with the Budget Bureau and the President, the Secretary of Labor transmitted to Congress a recommendation for the continuation of the appropriations under the maternity act for two additional years. The act itself is permanent legislation. The appropriations, however, when the act first passed in 1921, were limited to five years, beginning June 30, 1922. The bill authorizing further appropriations passed the House a few days ago by the overwhelming vote of 218 to 44. It came to the Senate, and was referred to the Senate Committee on Education and Labor. I understand that this committee has voted adversely on the bill. It will be brought before the Senate, however, for discussion and decision during the present session.

I again ask permission to insert the replies and certain summaries in the RECORD as a part of these remarks.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

#### ALABAMA

ALABAMA STATE BOARD OF HEALTH,  
Montgomery, March 3, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your circular letter of February 19, I am giving you the following summary of accomplishments in Alabama through activities under the Sheppard-Towner Act and inclosing a few excerpts from the narrative reports of the 28 nurses who are employed under this act.

The per capita expenditure for activities in the interest of maternal and infant hygiene has increased from 0.0056 in 1921 derived from State and Red Cross funds to 0.0204 in 1925 derived from State and Federal funds.

Alabama was admitted to the United States death registration area for 1925 on a test of 1924 records. A test of birth registration is under way.

Prenatal supervision of expectant mothers has been undertaken in 28 counties, together with an educational program covering the hygiene of infancy and preschool-age children. The practice of midwifery has been brought under control in these counties.

Very truly yours,

JESSIE L. MARRINER,

Director Bureau of Child Hygiene and Public Health Nursing.

#### ARIZONA

PROMOTION OF THE WELFARE AND HYGIENE OF  
MATERNITY AND INFANCY, STATE OF ARIZONA,  
Phoenix, March 8, 1926.

Hon. MORRIS SHEPPARD,

United States Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Your letter of February 19 was received in due time. Please pardon the delay in answering it, but some of the material which I wished to include was not available.

Herewith I am sending considerable material in the shape of reports and copies of letters, and you can use such of it as seems adapted to your purpose. In making copies of the letters I have not attached the names of the writers. Since these letters were written to me in strict confidence, I do not feel at liberty to reveal the identity of the writers. I am, however, quite willing to make affidavit as to their correctness and authenticity and the fact that the originals are in the files of this office.

Please be assured that I am very grateful for your interest and cooperation in endeavoring to secure a continuation of the Sheppard-Towner program.

Sincerely yours,

Mrs. CHARLES R. HOWE,  
Director Child Hygiene Division.

#### ARKANSAS

ARKANSAS STATE BOARD OF HEALTH,  
BUREAU OF CHILD HYGIENE,  
Little Rock, March 26, 1926.

Senator MORRIS SHEPPARD,

Washington, D. C.

MY DEAR SENATOR: Your letter of February 19 which was sent to Doctor Koenig would have had more prompt attention, but Doctor Koenig was in the field, which may account for part of the delay.

I do not believe any intelligent person who is reasonably well informed regarding the operation of the Sheppard-Towner Act in Arkansas would hesitate to say that it has been accepted with enthusiasm and has met a very urgent need.

You will also find a copy of the "Arkansas Family Series," under separate cover. Reference is made to it in many of the letters, so we

send it in order that you may see what type of literature is being published and distributed as a result of this act.

The Arkansas Medical Society has approved the Sheppard-Towner Act and has indorsed the State board of health in its administration of same.

We are very grateful for your efforts in securing public health and welfare legislation, and we hope that you will be successful in establishing the Sheppard-Towner Act as firmly as are some of the agricultural subsidized acts.

Very respectfully,

STATE BOARD OF HEALTH,  
Bureau of Child Hygiene.  
By C. W. GARRISON, M. D.,  
Special Agent, Children's Bureau.

#### CALIFORNIA

CALIFORNIA STATE BOARD OF HEALTH,  
BUREAU OF CHILD HYGIENE,  
San Francisco, Calif., March 8, 1926.

HON. MORRIS SHEPPARD,  
Member United States Senate,  
Committee on Irrigation and Reclamation,  
Washington, D. C.

MY DEAR MR. SHEPPARD: I take pleasure in sending the material which you have requested from women of the rural area of California. I have included a number of letters coming from different small towns showing how widespread the appreciation of the opportunity developed under the Sheppard-Towner Act.

I inclose, too, a brief statement which we have prepared of the work which has been accomplished during the past three years in California.

Upon receipt of your letter I wrote to various health officers and others in the State who have been closely connected with maternity and infancy work in California, asking them for an expression of opinion as to the value of the work in their communities. When I receive these answers I shall take pleasure in forwarding them as well.

We are looking forward with every hope to the continuance of the Sheppard-Towner bill over a longer period, knowing that it has stimulated many local communities to work on their own behalf and that with longer time we may show material results in our maternity and infancy mortality rates.

Sincerely yours,

ELLEN S. STADTMULLER, M. D.,  
Director.

#### CALIFORNIA ACTIVITIES UNDER THE SHEPPARD-TOWNER ACT

Administrative agency: State board of health, bureau of child hygiene.

Staff: Director, physician-lecturer, supervising nurse, 2 maternity-home inspectors (nurses), 4 clerks (1 vital statistics), 18 public-health nurses in 12 counties, on part pay from Sheppard-Towner funds.

Activities up to December 31, 1925: The State nurses supervised the work of the field nurses for maternity and infancy. These field nurses have organized 56 permanent and 14 temporary health centers, in which 40,412 children have been examined. (These figures include some but not all of the children examined during the preschool campaigns.)

Dental conferences and little mothers' classes have been held in a limited number of localities.

State survey of midwives: Three hundred and fifty-six found, of which one hundred and eleven were licensed to practice.

State physicians have examined children in the past year, using this means to stimulate interest in permanent child-health centers and to launch new work of this kind. Lectures to organizations to fill demand for educational work. One physician constantly employed, speaking on child hygiene to groups of men and women, reaching over 10,000 people in the past year. These talks occasionally precede or follow child-health conferences. Prenatal round tables also offered. Sets of prenatal letters have been prepared. These were first distributed to 5,500 physicians of California. Up to the present time 8,678 sets have been sent to mothers.

Inspections: In September, 1925, the bureau of child hygiene assumed the work of inspecting maternity hospitals and homes, making recommendations to the State board of health for license. There are 353 known institutions to be visited. New homes are constantly springing up. This offers a large field for prenatal education and improvement of confinement care.

Educational exhibits have been arranged at fairs, food shows, in well-baby weeks, and in connection with women's organizations.

Eleven new pamphlets have been prepared; 314,877 pieces of literature have been distributed, making an average of 8,745 a month for 36 months.

#### COLORADO

COLORADO CHILD WELFARE BUREAU,  
DEPARTMENT OF PUBLIC INSTRUCTION.

Senator MORRIS SHEPPARD,  
United States Senate, Washington, D. C.

SIR: We understand a bill for an appropriation for the years 1928 and 1929 for the extension of the maternity and infancy act is now

before Congress and that the Committee on Interstate and Foreign Commerce of the House of Representatives has already granted a hearing to the supporters of the bill.

Knowing you to be coauthor of the maternity and infancy act, we are writing you to place before you the benefits of this work to Colorado that you may use the information when the bill comes before the Senate.

Before this Federal act went into effect the only work done in Colorado for mothers came under the mothers' compensation act, which in no way covers the ground of the maternity and infancy act, but does go to show our legislators were alive to the fact something had to be done for the mothers in this State. Since the passage of the maternity and infancy act Colorado had written into its statutes a "maternity act" which seeks to provide for a mother six months before the birth of the child until six months after. This maternity act is part of the dependency act of 1923 and is for the sole purpose of relief. This law does not provide for the big, broad, educational work of the Federal act. It reaches the particular individual at a crisis but does not teach our young women the glories of perfect motherhood nor bring to their consciousness the miracle of bringing into the world a healthy, happy child in a healthy, happy way as is taught under the maternity and infancy act.

The spirit of the Federal act is to give to the prospective mother knowledge of herself and the needs of the coming child. We have tried to carry this out in Colorado. Through the courtesy of the Woman's Farm Bureau of the Colorado Agricultural College we have given classes in prenatal infant and child care to the farm women. Other women in the rural communities have been gathered together through the various church aid societies, parent-teacher associations, and women's rural clubs and given lessons on maternity hygiene. Lack of knowledge along these lines is appalling. The consequent mistakes, heartaches, and tragedies are even more appalling.

A most outstanding angle of maternity work in Colorado has been in giving the services of a gynecologist to rural communities. The women on our dry lands as well as those in the mountain districts are seldom able to go to a specialist for examination. They do remarkably well to keep the current family doctor bills paid up. There is always the great drawback of shyness or timidity in having the local doctor make the examination. Whatever the cause of past carelessness in seeking knowledge of themselves we find these women extremely keen to learn the reason of their constant pain and ill health from the gynecologist. In one little town of about 600 population 19 women were examined by this woman specialist. There were three prenatal cases in almost completed term who had not yet seen a physician regarding their condition and only expected to call one in in case of an emergency. The other 16 cases were the results from injuries from childbirth, barrenness, depletion through having so many children under unfavorable circumstances, tumor, cancer, etc. After the examinations the follow-up nurse from the bureau made contact with physicians regarding the cases whenever the patient would allow her to do so. Before the week ended the prenatal cases had all been arranged for and one woman had gone into Denver to her old family physician for an operation for carcinoma. She also established "mother's classes" in the town. This work with the mothers as individuals is the heaviest educational work done in the maternity and infancy division of the bureau, but at the same time the most appreciated by the women themselves.

In our maternity and infancy health conferences we found great numbers of adolescent girls developing goiter. It developed that goiter in women and children exists to a startling degree in large areas in our State. Babies as young as three months old were found to be afflicted. Through heavy publicity in every locality visited by the health conference goiter and its prevention became a subject of common concern and preventative measures have since been adopted in all these communities.

Another important maternity and infancy activity is our campaign on breast feeding. The good done in training mothers in the care and feeding of infants is inestimable. Our feeding cases have been countless owing to outstanding programs on diet for the mother and the child.

The greatest friends to the maternity and infancy work in Colorado are the doctors. It is only when they are in favor of a program that we go into their community. They have been our staunchest friends and most constant supporters.

Inclosed are copies of some letters from a few of the leading physicians in the rural sections of our State showing their attitude toward our endeavors to help mothers and their children.

Maternity and infancy work is bound to grow and grow. It is popular, humane, and of vital necessity. There is a real place for all its activities in Colorado, and Congress will surely see that it continues. One can not picture a single Congressman who would not give to the women of his State the advantage of every bit of knowledge that would make of her a more perfect mother.

In our printed report of 1923-24 you will find a summary of the number of conferences, established stations, classes for mothers and



girls, and the number of children examined. The gynecologist and the better rounded clinics have been developments of the work of 1923 and 1926.

With a firm belief that Congress will be friendly toward this great boon to womankind, I am,

Most sincerely yours,

ESTELLE N. MATHEWS,  
*Executive Secretary.*

#### DELAWARE

PROMOTION OF THE WELFARE AND HYGIENE OF  
MATERNITY AND INFANCY, STATE OF DELAWARE,  
*Dover, Del., April 13, 1926.*

HON. MORRIS SHEPPARD,

*United States Senate Building, Washington, D. C.*

MY DEAR SENATOR SHEPPARD: In replying to your letter inquiring as to the value of the Sheppard-Towner funds assigned to the State of Delaware, it is my great pleasure to state that through this fund a great many babies' lives have been saved. While the death rate compared with other States' death rate is still high, nevertheless there has been a steady decline from a much higher death rate.

Through these funds one of the most valuable educational services has been performed, namely, convincing a more or less reluctant public that a small State like Delaware had a serious problem in high maternal and infant deaths, and that the remedy was procurable through public funds. The dissemination of health education can not be overestimated. At the State health centers physicians and public-health nurses hold weekly conferences, and the public-health nurses visit the homes of every known prenatal case and deliver birth certificates to all new-born children. These visits are always accompanied by valuable information and instruction. The service is state-wide, includes the city of Wilmington, and therefore leaves little opportunity for missing any mother or child.

Those of us who know Delaware conditions know that the Sheppard-Towner funds are just beginning to function satisfactorily for the further decline in maternal and infant deaths. Undoubtedly it would mean a great sacrifice in the lives of mothers and babies to have this fund unavailable after the five-year period, and it is to be hoped that Congress may see fit to continue this fund for a longer period in order that the gains made during the past five years may be permanent gains.

It is well recognized in Delaware that the mothers of the State appreciate the value of the work that has been possible through the Sheppard-Towner funds. During a recent session of the legislature, when it seemed that a reduction in the State appropriation was pending, the mothers of Delaware from the northmost to the southmost boundaries flooded the senate and house with personal appeals for the appropriation.

Delaware mothers and babies still need this help. May your good offices, Senator SHEPPARD, which have been so successful and meritorious in the past in promoting this national life-saving purpose, again serve this State and your country in furthering so worthy a cause.

Very sincerely yours,

MISS MARIE T. LOCKWOOD,  
*Supervisor of Public Health Nurses and Midwives.*  
SUMMARY OF WORK IN DELAWARE

Administrative agency: State health and welfare commission.

Staff: Director (nurse, part time), 13 community nurses (part time), 2 clerks (part time), 1 milk inspector (part time), 1 sanitary engineer (part time).

Activities: Child-health conferences, 797, at which 21,028 examinations were made. Continued corrections were obtained in every locality. The interest and cooperation of parents are increasing.

Prenatal conferences, 93. The number of women attending was not recorded.

Midwives' classes: Eleven class groups with an enrollment of 392. Two state-wide meetings attended by 182 midwives were held. Improvement in reporting births has been noted, also in the midwives' standards of personal hygiene and their use of equipped bags. Many who were inefficient have ceased to practice. The supervision from the State department has reduced the number of unlicensed midwives and brought about an improvement in those practicing.

Mothers' classes, 5, with 20 women attending.

Little mothers' classes, 2.

Nutrition classes, 1.

Community demonstrations, 2.

A better milk supply was made the object of some campaign work. New permanent child-health centers established, 4. The centers have weekly conferences in rural districts and daily ones in city locations.

Volunteer assistance was given during the year by 3 physicians and approximately 30 lay workers.

Lectures and addresses by staff members, 90.

Exhibits: Graphs, charts, and exhibit material have been prepared for use at clubs and fairs, and films have been shown frequently.

Literature distributed: Several hundred Federal bulletins have been used each month, and a State health bulletin was printed and widely used.

Home visits: Fourteen thousand eight hundred and fifty-six have been made. Demonstrations of the proper selection and preparation of food has been an especial objective.

#### FLORIDA

STATE BOARD OF HEALTH,  
BUREAU OF CHILD WELFARE AND PUBLIC HEALTH NURSING,  
*Jacksonville, April 7, 1926.*

HON. MORRIS SHEPPARD,

*United States Senator,*

*Senate Office Building, Washington, D. C.*

SIR: Replying to your letter of March 25, re: Sheppard-Towner work in Florida.

July 1, 1922, this work was begun with an appropriation of \$3,000 Federal money matched by Florida Legislature with \$3,000 State money. Four nurses (three white and one colored) were employed, and a state-wide program was planned and put in operation.

1923: Legislature in regular session matched the entire Sheppard-Towner appropriation for the State, which is \$11,531.72.

1924: As a result of work accomplished by division of maternal and infant-hygiene staff, five extra nurses were added to the staff to work with school children.

1925: Two field supervisors were added, these to assist the director in giving an advisory and supervisory service to the rapidly increasing number of public-health nurses employed by organizations, industries, communities and counties, our desire being that no matter what the plan of work undertaken a program of Sheppard-Towner work should be carried on also.

1922: There were 16 nurses employed by counties, communities, and industries in the entire State.

1926: There are now 108; and while we can not claim that this increase is all due to the Sheppard-Towner work inaugurated in 1922, a large part of the increased interest and desire for continuous work in their respective counties has been due to the work done by the Sheppard-Towner nurses on their periodic visits.

Inclosed please find reports covering the work in Florida from its inception in 1922 to December 31, 1925. I am having some letters written you directly by people who have followed the work and can speak with authority about its value.

Assuring you, sir, of my appreciation of your interest, I am,

Respectfully,

LAURIE JEAN REID, R. N.,  
*Director Bureau of Child Welfare and Public Health Nursing.*

Administrative agency: State board of health, bureau of child welfare and public-health nursing.

Staff: Director (nurse), 7 nurses (1 part time), 2 clerks (1 part time), 1 auditor (part time).

Activities: Child-health and prenatal conferences: One hundred and twenty-eight conferences for white children, with 2,526 examinations made; 48 for colored children, with 3,147 examinations made. At the conference 1,366 white mothers and 1,402 negroes were given instruction on prenatal care.

Midwives' classes: There were 134 class meetings for white midwives and 358 for colored. Altogether 2,902 midwives received instruction and 2,024 completed the prescribed course and received "certificates of fitness." Most of the undesirable midwives have ceased practicing. The follow-up work when a midwife reports stillbirths is having an excellent effect upon the work and the attitude of the midwives, and physicians are being more promptly called if abnormalities or unusual difficulties are to be dealt with.

Neighborhood institutes: In place of the usual mothers' classes it has been found advisable to hold a more informal kind of meeting, termed "neighborhood institutes," in order to obtain the desired attendance and arouse the interest of the women whom it is the aim to reach. Over 600 such meetings were held, more than half of them being for negroes:

The method of procedure was as follows:

The nurse who has to make a demonstration of maternity and infancy work first sought out a woman willing to offer her house for the occasion. The woman herself invited friends and neighbors, being left in control of the matter of whom might attend, unless she asked the nurse to extend invitations. The mothers were instructed in prenatal, postnatal, and child care. If possible more than one meeting of the same group is held. The nurse began her talk on preparation for confinement by telling the assembled women that she wished to help them to learn to improvise in order to save money. She showed them how to use material things at hand, even the contents of the rag-bag, in their preparation before the suggestion was made of expending a single penny. This proved more productive of results than permitting the nurse to carry with her an equipment whose very excellence discouraged mothers who could not afford one so complete.

During one month a different type of neighborhood institute from the one generally held was conducted in two counties. Several points in each county were covered, the same program being conducted in each place. In addition to the State nurse, who talked on maternal and infant hygiene, these institutes were attended by the county nurse, who talked on home hygiene and sanitation; the home demonstration agent, who talked on the family wardrobe; the county nutrition worker, who attended to the details of the noon meal during which the women were taught food values and proper menus for a well-balanced diet; and the county welfare worker who gave talks on household economics.

Dental clinics, 38, of which 9 were for negroes.

Demonstrations, 6: These were made in connection with local activities, such as well baby conferences, local fairs or celebrations, and the demonstrations covered feeding of infants, preparation and care of maternity cases, the use of silver nitrate in the eyes of the newborn, preparations of material to be used, such as solutions, pads, etc.

New permanent child-health centers established, 10.

Campaigns: During negro health week and the first week of May, a special campaign was carried on to interest parents in the periodic examination of infants and preschool children. Constant efforts have been made to improve birth registration, more than 1,000 unreported births being recorded and birth certificates issued.

Lectures and talks by staff members: 705, to both white and colored audiences in rural and urban localities. Films were shown by the movie truck in 49 rural districts before audiences totaling approximately 10,500 persons.

Literature distributed: About 10,700 copies, such as mothers' manuals, midwives' manuals, and bulletins on the feeding of children, and 7,430 pieces of miscellaneous material were distributed during the last half of the fiscal year. The number of the first half year was not reported.

Maternal and infant hygiene work is gradually being made a part of the work of the county and community nurses, and is regularly so done in 10 counties. The beginning was made by having them assist the State staff in conferences and in reporting conditions found.

#### GEORGIA

PROMOTION OF THE WELFARE AND HYGIENE OF  
MATERNITY AND INFANCY, STATE BOARD OF HEALTH  
AND UNITED STATES DEPARTMENT OF LABOR CHILDREN'S BUREAU, COOPERATING, STATE OF GEORGIA,  
Atlanta, Ga., March 2, 1926.

HON. MORRIS SHEPPARD,  
United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: We would like for you to know what we think about the Federal aid given Georgia under the Sheppard-Towner Act. We think Congress should have expressions from the States as to what has been accomplished under the law. It is perfectly natural and commendable in our lawmaking bodies to take an inventory and find the results of appropriations made.

Immediately after the act was passed Georgia accepted it through Governor Hardwick. We immediately proceeded to get an organization for the purpose of carrying out the intent of the law. We had valuable advice and assistance from Washington, and a director for the work was loaned us for a short time.

I feel sure that every State has its own local problems, its own peculiar situation, its own most urgent need. Our State is about 80 per cent rural, with 161 counties and 3,000,000 people. We have a baby born in this State every seven minutes. We found that 11 of them died the first day; that one-third of all deaths in all ages were children under 15 years of age; that 10,215 were under 5 years, or 88 per cent of the total.

We found that of the 69,000 babies born each year 33,000 of them were born without a physician being present. We have about 5,000 negro midwives, many of them not able to read and write, firm believers in many superstitions, charms, etc. This we consider perhaps our greatest problem.

To do a good job the expectant mother had to be reached and educated, as well as the midwife. The unvarnished facts were laid before the State Medical Association, and the house of delegates passed a resolution asking us to take charge of the situation and prepare regulations for midwives and proceed to give them the necessary training. The regulations were prepared, as well as a set of 10 lessons, for midwives. These were submitted by the president of the medical association to the counselors by mail, and they were requested to vote "yea" or "nay." They passed the regulations. Therefore it will be seen that the regulation of midwives is a medical association act; we simply administer it for them.

To reach the rural mother (black and white), we put in the field the healthmobile manned (or rather womanned) by a woman physician, a nurse, and a director of visual education. The State supervisor of nurses is the advance agent, and goes into a county some two weeks in advance of the unit, makes all necessary arrangements and contacts, always getting the county medical society in line first, taking their advice, and next the superintendent of schools. This conference decides who will sponsor the work in the county, either the P. T. A.,

woman's club, or some other association of women. The program for each day is practically the same: Mothers' conference, examination of babies, midwives, expectant mothers, and each evening a public meeting, at which a talk is given on sanitation, health, and the necessity of the examination of expectant mothers and the supposedly healthy babies, the remainder of the evening being spent with the movies on health—the healthmobile being equipped with generator for lights and two picture machines.

We follow up our contacts with visits by nurses in the home. Everywhere we have been gladly received and have had many requests for return visits.

We now have 18 nurses on our staff. In addition to the county work, we instruct midwives, conduct mothers' classes and little mothers' leagues. The average county requires about six weeks for the itinerant nurse. The larger counties require her services continually, as we try to organize clinics for both the mothers and babies. Children's health centers are permanent organizations. We are endeavoring to have Georgia children physically fit when they enter school.

We manufacture and distribute to the physicians and midwives 1 per cent solution of silver nitrate for the prevention of blindness. It is a misdemeanor for one who attends a woman in labor not to put this solution in the baby's eyes. By the use of this we hope to reduce blindness 50 per cent in our State.

I might mention that in one instance the work of one of our negro nurses has reduced the negro mortality in her county among infants and young children 52 per cent, and that we employ three negro nurses, besides having been loaned the services of a negro woman physician.

I am requesting some of our people who are familiar with the work in Georgia to give you their opinion direct. I hope this will not burden you too much; I feel that this letter direct from the citizen to you is better than my editing their opinions and expressions. I am also taking the liberty of sending you under separate cover several annual reports of the State board of health, the statistics therein having been compiled by one from your own State—Dr. William A. Davis.

One of our greatest handicaps is the limited franking privilege.

Please request us for any information that we have not given or anything that we can do to secure the continuation of the Sheppard-Towner law. The value of the work in our State can not be placed in dollars and cents but in the lives of mothers and children and in the years to come a citizenship fit to labor and produce.

Yours very truly,

JOE P. BOWDOIN, M. D.,  
Director, Division of Child Hygiene,  
Special Agent, Children's Bureau.

#### HAWAII

BOARD OF HEALTH, TERRITORY OF HAWAII,  
Honolulu, March 12, 1926.

HON. MORRIS SHEPPARD,  
United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: As one of the originators of the Sheppard-Towner maternity and infancy act, you would be interested to know what this appropriation means to mothers and little children of many races here in Hawaii. The Territory has had the benefit of this Federal assistance only since last summer, but the remarkable rapidity with which the work has progressed in so short a time indicates the need it has met and the appreciation with which it is received.

In seven months 51 health centers have been established in the rural districts of Hawaii. More than 2,000 children are already enrolled in these health centers with a monthly attendance of about 1,500. This rapid progress is the result of the cordial cooperation which we have received everywhere. Plantation managers welcome our work and cooperate because they know it to be sound from a business standpoint. Sick babies mean laborers away from work. Physicians are generously giving their time to take part in the work. In rural Hawaii physicians are responsible for districts with enormous population, so they realize the value of preventive as well as curative medicine.

To our health centers come babies and mothers of every race. Interpreters are necessary in many cases, but a desire to give the best care to little children seems to speak a universal language.

In the beginning people asked me how we should get them to come, but one of my nurses said to me recently, "Soon we will have to ask you how to keep them from coming; if the numbers continue to increase as they have done it will be difficult to be as thorough as you insist we must be to be effective."

Yours very truly,

V. B. APPLETON, M. D., Director.

#### IDAHO

STATE OF IDAHO, DEPARTMENT OF PUBLIC WELFARE,  
BUREAU OF CHILD HYGIENE,  
Boise, Idaho, March 13, 1926.

HON. MORRIS SHEPPARD,  
Senate, Washington, D. C.

DEAR SIR: We have your letter relative to the activities of the Sheppard-Towner work in Idaho. As I have been connected with the work since its beginning in the State your letter has been referred to me,



Prior to the enactment of this law the Bureau of Child Hygiene had never received any money from the State. It was a department in name only. The last two legislatures have each appropriated \$5,000 for this bureau. While this amount is small compared to what some of the States are appropriating, we feel that it is a beginning of the State's realization of its duty to the mothers and children within its borders.

I am inclosing herewith a brief statement of our work and extracts from some of the letters received.

Wishing you the best of success in a work which has meant so much to the mothers and babies of our Nation, I am,

Most respectfully,

Mrs. S. J. EWEN,  
Associate Director Bureau Child Hygiene.

#### SUMMARY OF THE MATERNITY AND INFANCY WORK IN IDAHO

In Idaho the Sheppard-Towner funds are administered through the bureau of child hygiene. The program of the bureau is planned with the thought of reaching the mothers who live in the isolated rural communities, mothers who by reason of their isolation have not had the opportunity to learn that the right kind of prenatal and postnatal care will not only conserve the health of mothers and babies but in many instances the lives.

The outstanding feature of the program is the mother and child health conferences, the greater number of which have been held in the rural communities. At these conferences mothers are given simple but scientific instruction in the care, feeding, and general development of their children and the hygiene of maternity. That mothers appreciate this opportunity that the State gives them is evidenced by the fact that at the 65 conferences held, 633 mothers and 5,714 children have been examined.

Follow-up visits on the cases examined show that many children have been brought back to normal health by the correction of defects and a better knowledge on the part of the mother regarding care and feeding.

Some striking results of the examinations of the mothers have been obtained, including the discovery of cancer in its early stages in six of the mothers. The subsequent removal of these growths, thereby preventing long illnesses and possibly the deaths of these mothers, is a result of the work which should commend itself to any thinking person.

Actual results of the Idaho program may be summed up as follows:

1. The maternity death rate is steadily decreasing.
2. The 1925 infant mortality rate is the lowest that Idaho has ever had.
3. Physicians report that more women are consulting them during the early months of pregnancy than heretofore.
4. Mothers report better babies and fewer sick babies.

#### INDIANA

INDIANA STATE BOARD OF HEALTH,  
UNITED STATES DEPARTMENT OF LABOR, CHILDREN'S BUREAU,  
Indianapolis, March 29, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: I am very much interested in your letter of March 25. For some reason we did not receive in this department an earlier letter from you.

I am inclosing a letter which was made a part of the record on the hearing before the House committee and the summary, which was also included.

Recently I wrote for our State health bulletin a narrative summary of the work in Indiana before and after the acceptance of the Sheppard-Towner Act. I prepared for the League of Women Voters a similar article, all of which I am sending you. As soon as the 1925 report comes from the press I shall send you a copy of that.

If you need additional material, I shall be glad to supply it.

Very respectfully yours,

ADA E. SCHWEITZER, M. D.,  
Director of Division of Infant and Child Hygiene.

INDIANA STATE BOARD OF HEALTH,  
DIVISION OF INFANT AND CHILD HYGIENE AND  
UNITED STATES DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU, INDIANAPOLIS.

Miss GRACE ABBOTT,

Chief U. S. Department of Labor,  
Children's Bureau, Washington, D. C.

DEAR MISS ABBOTT: I believe that the extension of the act for protection of maternity and infancy (Sheppard-Towner Act) should be for at least another five-year period for the following reasons:

1. Initiation of maternity and infancy activities in many States and the extension of programs in others were made possible by the Federal aid.
2. Much has been accomplished in improving infant health and in lowering infant mortality rates, for ages 1 month to 1 year. This work needs further stabilizing and localizing.

3. Much more needs to be done in lowering early infant mortality and maternal mortality, and in securing observance of better health standards at all ages.

4. The mutual helpfulness of States to each other, the promotion of effective activities on a more economic basis has been greatly enhanced by the helpfulness of the Federal board in evaluating activities and in acting as a clearing house for new ideas and plans of work.

5. Our plan of work has been accepted by them. Improvements suggested and much valuable additional assistance has been given, through speakers, correspondence, quotas of bureau publications, and loans of equipment.

The Indiana State health commissioner, Dr. Wm. F. King, authorizes the statement that the Association of State and Provincial Health Officers approve the extension for a period not less than 10 years.

Respectfully,

ADA E. SCHWEITZER, M. D.

Administrative agency: State board of health, division of infant and child hygiene. Staff: Director (physician), 3 physicians, 4 nurses, 1 exhibit director, 1 clerk and organizer, 1 secretary, 4 clerks.

Activities: Child-health conferences, 119, at which 3,937 children were examined. A special survey was made in two counties (La Porte and Newton) to discover the situation in regard to correction of defects which had been noted by physicians examining in conferences. The percentage 36.89 was ascertained for La Porte County. For Newton 48.4 per cent. Much general improvement was noted in health and habits.

Mothers' classes, 374, with 16,649 women enrolled, has been the major feature of the program in Indiana for the entire year. Three units are in the field conducting the classes, each unit consisting of a doctor and a nurse. The class work is given in five lessons, three by a physician and two demonstrations by the nurse. The emphasis is placed on prenatal care and preparation for home confinement, though one lesson is devoted to the care of the baby in its first year and one lesson to the preschool child. With this plan Indiana is working out a prenatal program, with much attention to detail by educational methods.

Usually a circuit includes two counties, with lessons in each a week apart to each group in the circuit. The work is arranged to take in all sections of the county, 8 to 14 classes in each. The nurse usually gives demonstrations before class groups in one county, while the doctor lectures before the groups in an adjoining county. Each is equipped with a car and material for illustrating her share of the work. Motion pictures are a feature of the work. While the physician gives the last lecture of the series, the nurse enters the next community to arouse interest in the classes. Letters with a questionnaire are also sent to the secretary of the county medical society, the county health officer, and the local physicians. Newspaper publicity is obtained, and mimeographed outlines of the lectures distributed. Women who are prominent in organization work are asked to serve as county and township chairman. An attempt is usually made to have a continuation of the course conducted by local physicians.

Lectures and talks by staff members, 1,980. Motion pictures were widely shown, and a number of charts were also loaned for exhibit purposes at county fairs and on other occasions.

Exhibits and projects: Child-health week at Winona Lake, Chautauqua, Indiana State fair better baby contest, lectures on care of the baby and motherhood to girls at Home Economics School, model maternity and infancy center in new baby building at State fair, exhibits shown at county fairs and other meetings, exhibit prepared for American Medical Association meeting in Chicago shown at State conference of charities and corrections, also at Illinois League of Women Voters meeting in Chicago. Other exhibits were shown at Peoria, Ill.; Lafayette, Ind.; Biennial Council of the General Federation of Women's Clubs, West Baden, Ind.; National Educational Association at Indianapolis, and exhibits were also shown before local, State, and national groups, all of which has aided the national program for maternity and infancy work.

Literature distributed, 156,044 pamphlets, etc.

Midwives: There are fewer than 200 in the State, and these are mostly in two districts whose population is largely foreign. The women are learning that they should demand skilled attention.

Volunteer assistance was given by 44 physicians, 19 nurses, and more than 500 lay persons. Efficient cooperation has been given by nearly every state-wide women's organization, including parent-teacher associations, and a number of men's fraternal and professional organizations.

#### IOWA

THE STATE UNIVERSITY OF IOWA,  
DIVISION OF MATERNITY AND INFANT HYGIENE,  
Iowa City, Iowa, February 27, 1926.

MORRIS SHEPPARD,  
United States Senator,  
Senate Offices, Washington, D. C.

DEAR MR. SHEPPARD: As an immediate reply to your letter regarding the Sheppard-Towner work I am sending a copy of a bulletin which

explains the nature of the work. Although this is now old, a second edition is being prepared bringing the figures up to date. The general nature of the work is about the same.

I should be glad to learn what other specific information you would like, and should be glad to send you anything I can get.

Assuring you of my desire to be at your service, I remain,

Yours very truly,

EDWARD H. LAUER, *Director.*

#### EXCERPTS FROM BULLETIN ON MATERNITY WORK IN IOWA

A casual wayfarer driving past the consolidated school at the edge of the little town is attracted by the jam of autos and the groups of people in the school yard. It is midsummer. School is not in session and so he stops to see what is going on. Inside the building a waiting room is crowded with mothers and children. A swinging door gives a glimpse of a physician examining a rosy cherub proudly held in his mother's arms while a nurse fills out the health chart. Another door opens and a mother, or perhaps a mother and father, are ushered out from a private conference with a second physician—a woman—who excuses herself with the remark that at 3 she is to talk to a group of mothers on prenatal care. Here another group is poring over the pamphlets on infant feeding or child care or the nurse may be showing them the latest styles in sensible baby wear. To the interested query as to the meaning of all this, one of the busy farmer's wives in charge says, "Why, we are having a Sheppard-Towner clinic," and she hurries away to see if the doctor will have time to see just one more baby.

#### PRINCIPLES UNDERLYING THE PROGRAM

In setting up the program for Iowa the following fundamental principles were considered operative, and no activity was undertaken which could not be justified by its relation to these principles.

1. Federal and State grants always have as their primary objective the stimulation of local communities to learn how to do certain things which need to be done, and then by virtue of this knowledge to encourage these communities to make provision for doing these things without Federal or State aid.

2. The program therefore must be essentially educational.

3. The particular objective in this field is to awaken people to an appreciation of the importance of the public-health problem and then to stimulate communities to organize their resources to meet that problem.

4. Absolutely basic to the success of any public-health program is the situation in which adequate medical and dental service of the highest type shall be within reach of every person.

5. To render such trained medical and dental service effective, however, it is necessary that the general public shall be educated to make use of such service to the fullest extent. The individual must be brought to see that he owes it to society to be healthy.

#### THE IOWA PROGRAM

The activities carried on by the division of maternity and infant hygiene in accordance with the above fundamental principles have been as follows:

1. The holding of clinics or conferences at which children of pre-school age have been examined. Special effort has been made to reach children in need of medical attention. The service is limited to diagnosis, and for treatment of defects parents are referred in every case to their family physician.

2. In connection with these clinics group meetings and individual conferences on prenatal care have been held by women physicians with mothers and expectant mothers.

3. Literature on infant feeding, infant care, child care, prenatal care, children's teeth, etc., has been prepared and distributed throughout the State.

4. There has been inaugurated a program of active cooperation with the State Medical and State Dental Societies, primarily through their respective committees, in an attempt to make available to the general practitioner the best technique and latest advances in the fields of obstetrics, pediatrics, and oral hygiene.

#### WHAT HAS BEEN DONE WITH CHILDREN

Up to July 1, 1924, clinics have been held in 540 communities in 97 of the 99 counties of the State, with a total of 696 days of service. The following map and tables show in detail the work done:

#### THE FUTURE

The work has begun well and has been successful in arousing interest and enthusiasm throughout the State. If the activity can be continued for a number of years along the lines laid down, the results will fulfill the expectations of the supporters of the program.

#### KENTUCKY

STATE BOARD OF HEALTH OF KENTUCKY,  
BUREAU OF MATERNAL AND CHILD HEALTH,  
Louisville, Ky., March 8, 1926.

HON. MORRIS SHEPPARD,  
United States Senate, Washington, D. C.

DEAR SIR: I have received your letter of February 23, and have been trying to get together letters which I thought might be useful to you in your work toward the continuance of the Sheppard-Towner Act.

I am inclosing an outline of the plan of our work in Kentucky which we have been carrying on since we first received national funds. This plan of work was approved by all organizations in the State and by the medical profession. So far as I know, in Kentucky we have had no opposition to the work from any part of the public or from the medical profession.

Since July, 1922, we have done a great deal of health educational work before many groups consisting of men's and women's organizations and before large numbers of school children. Each year we have had some one on the program of the State medical society. We also have had opportunity of speaking to many county medical societies on maternal and child health.

Much has been said by those opposed to it about Sheppard-Towner work not lowering maternal and infant death rates. This has not been true in our own State. Nevertheless, so many factors affect the statistics of both birth and death rates that I hardly think it fair in so short a period of time to expect definite results in any State concerning these rates, but I do know what we have done is to improve the standard of health for women and children and also the care they are now receiving. Naturally, lower death rates are bound to be a by-product of our work.

I wish I could express to you the appreciation of all the women of my State for the stand some of the splendid men in Washington are taking by being interested in the human needs of the people whom you represent.

Feeling sure you will have success in the effort you are making, and with kindest regards, I am,

Faithfully yours,

ANNIE S. VEECH, M. D.

P. S.: Inclosed you will find figures for the work accomplished since 1922. During 1925 the department has done a definite piece of maternal and child-health work in 110 of the 120 counties in Kentucky. By this you see the increase in what we have been able to do from year to year.

I am inclosing a selected number of letters, many of which have come to us unsolicited from the people in the State.

A. S. V.

#### LOUISIANA

STATE OF LOUISIANA, DEPARTMENT OF HEALTH,  
New Orleans, March 3, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: As coauthor of the Sheppard-Towner maternity act, I feel sure you will be interested in our work in Louisiana.

We did not begin until September 1, 1924, because the legislature up to that time had not seen fit to accept the terms of the Sheppard-Towner Act and only did so at the 1924 meeting because Doctor Dowling, of the State board of health, offered to meet the Federal appropriation out of the appropriation given the State board of health for general work.

Naturally through the bureau of child hygiene we had done some infancy and maternity work, but very little because of lack of funds.

I have tabulated reports of work from September, 1924, to December, 1925, and take pleasure in inclosing a copy of the tabulation. I think it speaks for itself, as work of this character with so many children in such a large number of the parishes of the State and in different lines must bring great returns, although we can not know of the effect in so short a time as a year and a few months.

As requested, I am inclosing copies of letters in regard to the work.

Very truly yours,

AGNES MORRIS, *Director.*

LOUISIANA STATE BOARD OF HEALTH,  
BUREAU OF CHILD HYGIENE,  
DIVISION OF MATERNITY AND INFANCY.

#### Report of work done from September, 1924, to December 31, 1925

Baby and preschool age conferences:	
Visits to parishes.....	192
Conferences held.....	418
Children examined.....	11,012
Children found defective (1924 data not complete).....	8,300
Defects found.....	34,470
Interviews, doctors and others.....	1,424
News articles, local papers.....	110
Group talks.....	104
Attendance at talks.....	1,837
Mothers instructed.....	4,310
Health exhibits arranged.....	13
Children weighed and measured at fairs.....	1,800
Nutrition corrections reported by health units.....	76
Dental work:	
Visits to parishes.....	15
Dental clinics held.....	48
Children examined.....	6,156
Children found with defective teeth.....	3,733
Children who received dental care (data not complete).....	2,890
Children teeth cleaned or filled.....	2,176
Treatments.....	766
Extractions.....	3,462
Parents and others interviewed.....	253



**Special work:**

Visits to parishes in interest of M. and I. work and follow-up work among colored children	17
Interviews, doctors and others	858
Group talks	151
Little mothers' classes started	7
Mothers' classes started	6
Visits to homes of colored children	498
Defects found, corrected	151
Defects found, under treatment	694
<b>Registration:</b>	
Visits to parishes	51
Doctors interviewed	361
Registrars interviewed	310
Others interviewed	419
Group talks	54
Present at talks	598
Births registered	250
Deaths registered	69
<b>Midwives:</b>	
Parishes represented	24
Midwives interviewed	834
Home visits to midwives	374
Classes held	169
Attendance at classes	1,241
Demonstrations	117
Assisting in getting equipment	171
Silver nitrate distributed (ampules)	2,653
Midwives completing standard six weeks' course	26
<b>Prenatal work:</b>	
Visits to parishes	38
Mothers interviewed	254
Home visits	234
Group talks	30
Present at talks	260
Talks to mothers on registering the baby	1,019
<b>Work done by portable laboratory:</b>	
Parishes visited	5
Number positive feces examined	429
Number positive malaria examinations	41
<b>Literature distributed:</b>	
School conferences held	15,388
Children examined	211
Children inspected (second visit)	23,778
Corrections found on inspection	3,953
Children found defective	1,445
Defects found	21,624
	79,795

**MARYLAND**

STATE OF MARYLAND DEPARTMENT OF HEALTH,  
Baltimore, February 26, 1926.

Senator MORRIS SHEPPARD,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Replying to your letter of the 23d asking what has been accomplished by the bureau of child hygiene in Maryland, I think I can best reply by sending you a copy of the "Activities of the Bureau of Child Hygiene," also a copy of a letter received some time ago from a grateful lady on the Eastern Shore. This came as a surprise, without solicitation.

The bureau of maternity and child hygiene was established in Maryland to take advantage of the provisions of the Sheppard-Towner bill. Up to that time there was no bureau covering this field in our department.

It is only fair to say that in the administration of the bureau we have been perfectly free to develop our own program and carry out our work as we have seen fit. We have attempted no spectacular activities, but have devoted the resources of the bureau to building up public-health sentiment and activities for children in the various counties; that is, in helping each county help its own children. This year, for the first time, each of the counties has one or more public-health nurses. In 15 counties the bureau is contributing toward the budget of the nurses. All the nurses are carrying on child-health work.

Believe me, very truly yours,

J. H. M. KNOX, Jr.,  
Chief, Bureau of Child Hygiene.

**SUMMARY OF THE WORK IN MARYLAND****ACTIVITIES OF THE BUREAU OF CHILD HYGIENE**

The bureau of child hygiene of the Maryland State department of health is the youngest of the eight bureaus of the department. It was established in 1922, and is financed partly by State and partly by Federal funds (Sheppard-Towner appropriation). Its activities are limited, in accordance with the laws under which it operates, to advisory care of mothers and children under school age. Care of the health of children of school age, with special reference to the control of communicable diseases, and the medical inspection of school children in the grades is included among the activities of the State bureau of communicable diseases.

**MIDWIFERY SURVEY**

The first piece of work undertaken by the bureau after its organization was a survey of the midwifery conditions in the State.

**FIELD WORK**

The field work of the bureau is done in cooperation with the deputy State health officer or local health officer with the assistance of the

local public-health nurse. Clinic physicians are sent on invitation from the deputy State health officer or local health officer to conduct the child-health conferences that have been organized in 15 of the 23 counties.

**CHILD-HEALTH CONFERENCES**

These conferences are held at regular intervals, usually about once a month, in different parts of the county. No medical treatments are given, but any child who needs such treatment is referred to its family physician. Great care is taken to interest and secure the cooperation of the local physician. A report is sent to each physician outlining the results of the examination of his patient.

Nearly 5,000 babies and preschool children (4,986) were examined at the 279 conferences that were held during the year ending December 31, 1925.

**PRENATAL ADVICE**

Regular prenatal conferences have not been organized. Whenever advice is given, it is given in response to the request of the mother. A circular entitled "Suggestions to Maryland's Future Mothers," containing advice in regard to care during the prenatal period, was published during the summer of 1925. Copies of the circular were sent to all the physicians in the counties, for use in their private practice, and to the public-health nurses.

**EARLY VISITS WHERE THERE ARE NEWBORN BABIES**

In a number of the counties a special effort is made by the public-health nurses to visit each new mother as soon as possible after the birth of the baby, in order that the mother may have the benefit of helpful suggestions. In accordance with this plan the registrars in 15 counties send an early report of births to the deputy State health officer, and through him to the public-health nurse. The counties in which this is done are Allegany, Anne Arundel, Calvert, Cecil, Charles, Frederick, Harford, Kent, Montgomery, Prince Georges, Somerset, St. Marys, Talbot, Wicomico, and Worcester.

**EDUCATIONAL MATERIAL**

Educational literature on the care of the baby and the preschool child is distributed by the bureau and is available to any nurse or mother in the county who desires it. The bureau recently issued a pamphlet of instructions to be used in classes for midwives.

**STATEMENT BY MARYLAND MOTHER**

MAY 30, 1925.

There are some privileges extended to the public which are loudly lauded, while other most important opportunities are accorded us and probably we fail to adequately express our delight and appreciation for services rendered. It is in this spirit of thanksgiving that I tender these few lines.

I am one of the Talbot County mothers who has enjoyed and profited by the medical advice of some of the most prominent and ablest physicians in Maryland. This great service has been procured through the bureau of child hygiene, conducted monthly in our county by Dr. J. H. Mason Knox, Jr., chief.

It is surprising, however, how few mothers, comparatively speaking, have seized this opportunity of placing the supposedly well children under such physical inspection. At the monthly conferences the preschool child—infancy to seven years, inclusive—is given a thorough examination, the individual history recorded, each defect registered and then referred to the family physician for any necessary treatment. Personally I deem it one of the greatest assets that young mothers possess—access to such superior knowledge for the mere asking—and am very proud that my native State takes advantage of this phase of the Sheppard-Towner bill in appropriating a sum of money to carry on such a magnificent work. Its advantages must be even keener in the rural sections, where local physicians are fewer and beyond the "beck-and-call" range.

This article has been prompted by the heartfelt whisperings of mothers overheard by the writer at a recent conference, grateful mothers who desire other parents to profit by their good fortune. Our sincerest appreciation is directed to our two Talbot County health nurses and to the various specialists who so arrange their professional hours to help keep well our little folks—to-morrow's healthful men and women.

**MICHIGAN**

MICHIGAN DEPARTMENT OF HEALTH,  
BUREAU OF CHILD HYGIENE AND PUBLIC-HEALTH NURSING,  
Lansing, March 1, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: I am in receipt of your letter of February 23, and in response to the same am sending you a copy of the accomplishments in Michigan under the Sheppard-Towner Act up to the date of January 1, 1926. I am also inclosing copies of letters from women who have received benefit from the work done under the Sheppard-Towner funds.

We in Michigan are very anxious, indeed, that this work may be continued, as we feel that the work has been in operation too short a time to put it on a permanent basis.

We shall eagerly await the news from Congress as to the action taken upon the reappropriation of the funds.

Sincerely yours,

MICHIGAN DEPARTMENT OF HEALTH,  
LILLIAN R. SMITH, M. D.,

Director Bureau of Child Hygiene and Public-Health Nursing.

*Résumé of activities in Michigan, July 1, 1922, to January 1, 1926*

Total number infant clinics held by bureau staff.....	814
Total number infants and preschool children examined.....	16,117
Total number prenatal clinics held by bureau staff.....	93
Total number prenatal examinations.....	137
Total number prenatal talks and consultations.....	145
Total attendance at talks and consultations.....	2,457
Total number prenatal letters sent.....	68,660
Total number Little Mothers' Leagues organized.....	690
Total number enrolled.....	14,983
Total number mothers' classes organized.....	229
Total number mothers enrolled.....	8,256
Total number women's classes organized.....	37
Total number enrolled.....	881
Mother and baby health centers in State (outside of Detroit and Grand Rapids).....	70
Total number babies examined at centers reporting since February, 1923.....	69,536
Total prenatal attendance at centers.....	8,953
Total number county health committees organized.....	51
Total talks made by bureau staff.....	1,388
Total attendance at talks.....	65,191

Two county demonstrations in infant and maternity nursing were conducted in Alger County, 10 months; and in Calhoun County, 12 months.

Birth-registration certificates have been sent to parents of all babies born in the State since March 1, 1924. A Message to Parents on infant care accompanies the certificate. To date 181,231 have been mailed.

MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH,  
DIVISION OF CHILD HYGIENE,  
Minneapolis, Minn., March 2, 1926.

HON. MORRIS SHEPPARD,  
United States Senate,

Committee on Irrigation and Reclamation,  
Washington, D. C.

MY DEAR MR. SHEPPARD: I am inclosing a copy of a brief summary of the educational program in maternal and infant hygiene that has been carried on in Minnesota under the Sheppard-Towner Act. I believe this will give you in as concrete a form as possible an idea of the type of program which has been carried on in Minnesota.

As you request, I am also inclosing copies of a few letters received from women in the State typical of the response which comes from women who have received aid through this act.

If you wish any further information about our work here, I shall be very pleased to send it to you.

Respectfully yours,

RUTH E. BOYNTON, M. D.,  
Director.

EXCERPTS FROM MINNESOTA PROGRAM

The division of child hygiene of the Minnesota State Board of Health was formed July 1, 1922, to administer the Sheppard-Towner Act in Minnesota. The formation of this division of the State board of health was necessitated by the passage of the Federal Sheppard-Towner law and the acceptance of the provisions of this act by our State legislature. The duties of the division of child hygiene are to cooperate with the United States Children's Bureau in the promotion of the welfare and hygiene of maternity and infancy. The State law authorized the State board of health "to provide instruction and advice to expectant mothers during pregnancy and confinement and to mothers after childbirth." By the wording of the Federal and State laws the activities of the division are necessarily limited to educational work.

**Prenatal letters:** A series of nine prenatal letters containing advice and instruction for expectant mothers has been prepared. The names of the women to whom these letters are sent are referred to us by physicians and public-health nurses, as well as by the women or their friends. The fact that many physicians of the State are using these letters for all of their expectant mothers shows that they fill a real need. During the year 1923 about 2,000 women received these letters.

**Prenatal clinics:** During the past year monthly prenatal clinics have been held in five counties of the State in cooperation with the physicians in the counties. The purpose of the clinics is to cooperate with the physicians in the promotion of the well-being of expectant mothers and to impress upon the women of the community the necessity for

going to their doctors for prenatal care. Before starting clinics in any county a meeting was held with the physicians discussing the plans for clinics with them. At these clinics a complete physical examination was given each woman. A general talk on the hygiene of maternity is given by the clinician, and a nurse from the division demonstrates the preparation for home confinement. Such men as Dr. Fred L. Adair and Dr. C. O. Maland have been the clinicians at these clinics.

MISSISSIPPI

MISSISSIPPI STATE BOARD OF HEALTH,  
Jackson, Miss., February 26, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: In reply to your letter of February 23, under separate cover, we are mailing to you our biennial report to the legislature and your attention is called to pages 214 to 235, inclusive. This will acquaint you with the maternal and infant hygiene activities in the State.

Personally, and as executive officer of the State board of health, I wish to express my appreciation of the splendid aid that has been extended to us under the Sheppard-Towner Maternity Act.

It is rather encouraging to go out in the field and find professional and lay members of the community speaking of "prenatal care," "mothers' classes," "child welfare conferences," and the like. A few years ago the communities were interested in school work only, but more and more are realizing these newer phases of the work.

I trust you may glean some of the information you desire from our report. With best wishes, I am,

Yours very truly,

F. J. UNDERWOOD, M. D.,  
Executive Officer Mississippi State Board of Health.

SUMMARY OF WORK IN MISSOURI UNDER MATERNITY ACT

**Administrative agency:** State board of health, division of child hygiene.

**Staff:** Director (physician), 1 physician, 2 staff nurses, 3 county nurses, 1 nutrition worker, 3 clerks. Additional medical and nursing assistants for special work as needed.

**Activities:** Child-health conferences, 146, at which 4,161 examinations were made. The correction of defects which had been noted at conferences averaged 17 per cent. In some communities the percentage ran as high as 30 per cent.

Prenatal conferences, 90, with an attendance of 2,298.

**Mothers' classes,** 195 class groups, with 3,157 women enrolled. One of the most important phases of the work of the county maternity and infancy nurses has been the mothers' classes. The course includes 10 lessons outlined by the State division. It is given to any group of women in the county who request it. When the course is completed an infant clinic is usually held.

**Little mothers' classes,** 95. In some communities this has been a vacation activity for schoolgirls, but a number of junior high schools have made the work a compulsory course.

**Dental clinics,** 5, with 258 children receiving care.

**Nutrition classes,** 90. These are conducted by the State nutrition worker and arranged on a county basis. The counties selected are allotted a period of one month's time each for the work. Prior to the nutrition worker's arrival in the county, the county health department arranges for group meetings for mothers in at least six different communities of the county. In this manner a series of four lessons can be given to each group. The subjects discussed with the mothers are as follows: (1) Food selection; (2) food habit; (3) scoring lessons on usual diet; (4) proper diet for the expectant mothers; (5) diet in overweight and underweight and in constipation.

**Group demonstrations:** Fifty-one conducted at county fairs, community home-comings, farm picnics, etc. Demonstrations include such things as preparation of artificial feeding, nursing care, and preparation for home confinement. Sometimes talks on child care are given and educational films and slides are shown.

**Home demonstrations,** 3,633. These demonstrations are given by the county nurses in the homes. They include the following: Preparation of a feeding formula; home pasteurization of milk; care of the new-born baby; post partum care; preparation of infant layette and preparation of a sterile obstetrical pack for home delivery. In many instances there are many other problems which the mothers desire to take up with the nurse, and these problems are handled according to the particular question involved.

A birth-registration campaign was made the feature of the observance of child-health day on May day. A chairman of May day activities was appointed by the State board of health, and an executive committee, consisting of the county superintendent of schools, county health officer, and president of the county medical society was organ-



ized in each county. The committee enlisted the cooperation of any and all interested organizations in the county. Each county worked through its school districts, and a complete survey was made of every birth in that district during the year of 1924 on forms furnished by the State board of health. When the survey was completed all forms were returned to the bureau of vital statistics and the names were checked against the records on file. If the bureau of vital statistics found a birth not registered, a letter was sent to the physician or midwife delivering the case requesting that the birth be properly registered as soon as possible. Through this campaign much interest has been aroused in birth registration, and it is believed that when the next Federal check is made the State will be admitted to the birth-registration area.

New, permanent child-health centers established, 6.

Lectures and talks by staff members, 190.

Literature distributed, 116,546 pamphlets, leaflets, etc.

Prenatal letters: Six thousand one hundred and twenty-six distributed.

Exhibit material: Five health films were loaned to 25 communities.

A sterile obstetrical pack was also made, with mimeographed instructions for its preparation.

An intensive six-month's campaign for diphtheria immunization was conducted, in which 3,397 children were treated, and local physicians aided by giving talks on the prevention of diphtheria, and two films on the subject were loaned to communities requesting them.

The stimulation of interest due to the work of the division resulted in four counties raising funds for the employment of county nurses and in the passage of a law at the last session of the legislature giving county courts authority to appropriate money for public-health nursing work.

#### MONTANA

MONTANA STATE BOARD OF HEALTH,  
DIVISION OF CHILD WELFARE,  
Helena, March 1, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Thank you very much for your letter of February 23, expressing your interest in the future of the Sheppard-Towner maternity act. I am inclosing for your use a copy of a paper which summarizes Sheppard-Towner activities in Montana from July 1, 1922, to June 30, 1925. In addition to what is stated in this paper, I should like to say that since June 30, 1925, we have also aided in county nursing services for the following counties: Prairie and McCone combined and Broadwater, Meagher, and Wheatland combined. In addition, during the last half of 1925, we held approximately 270 baby and preschool child conferences with 3,000 children examined. About 1,624 ampoules of silver nitrate were distributed, and over 30,000 pamphlets, cards, and leaflets on maternity and infancy welfare were distributed.

Montana first accepted the act through its governor in 1922, and in the following year the State legislature accepted the act and appropriated the full amount necessary to meet the entire Sheppard-Towner Federal appropriation, \$8,701.91. The next legislature of January, 1925, appropriated \$8,700 to meet the Sheppard-Towner Act. I think that this will show you the way Montana feels about this maternity and infancy act, and that the people of the State are as a whole deeply interested in its success. \* \* \*

Thanking you for your interest, I am,

Yours very truly,

HAZEL DELL BONNESS, M. D., Director.

#### DESCRIPTION OF WORK UNDER MATERNITY ACT IN MONTANA

The work in Montana was begun in May, 1922. The first year was spent largely in acquainting the people of the State with the nature of the work and in making a beginning in our program. Since that time the program has developed rapidly until at the present time we have several well-defined objectives. At the outset it was admitted that we could not get very far with our maternity and infancy program without proper vital statistics as upon satisfactory registration depends our accurate knowledge of mortality rates. We have made it a part of our program to aid in every way possible the registration of births and deaths in Montana. Secondly, we have felt that it is impossible to do any sort of permanent work in the maternity and infancy field without county public-health nurses. To this end we have aided in the establishment of county nursing services wherever possible. The third feature of our work has been an intensive campaign of educational health conferences carried on through our field staff and of educational propaganda through our office.

Our State field staff at the present time consists of four nurses. This staff is maintained in cooperation with the Montana Tuberculosis Association, and one field nurse is maintained by the tuberculosis association and three by the board of health. Our nurses hold baby and prenatal conferences and give lectures and demonstrations. In addition to our State field staff, we are carrying on the policy of aiding in county nursing services.

The following counties have received aid in their nursing services to the extent of one-fourth of the nurse's salary during the year:

Daniels County, one year.  
Pondera, one year.  
Beaverhead, one year.  
Fergus, one year.  
Wibaux, one year.  
Fallon, one year.  
Prairie, one year.  
Cascade, one year.  
Lewis and Clark, three years.  
Missoula, three years.  
Dawson, one year.  
Gallatin, one year.  
Powell, one year.  
Flathead, one year.

It is not possible to convey to you an adequate idea of the amount of work that is carried on in Montana under the provisions of the Sheppard-Towner Act without giving some figures. From the beginning of our active field work in the autumn of 1922 to June, 1925, the following work has been done:

Baby and prenatal conferences	1,639
Children examined	20,996
Prenatal cases personally advised	1,669
Prenatal cases which have received our sets of 9 letters	1,500
Mothers advised at clinics, mothers' classes, etc.	10,822
Little mothers' classes held with an average of 10; 12 lessons given to each class	59
Baby birth registration cards	30,000
Ampoules of silver nitrate distributed	6,686
Laboratory examinations (maternity and infancy only)	4,620
Literature distributed through our office, including diet cards, height and weight cards, pamphlets on prenatal, infant, and child care, etc.	60,000

It is very difficult to evaluate the results of our educational program, as we have no exact scientific measure of the accomplishments. We have ample indirect evidence of the good resulting from the work in the increased interest in maternity and infant hygiene shown all over the State. We have considerable correspondence in our office concerning these matters with women who have become especially interested. Our nurses report that the work is being more and more favorably received, and, best of all, we know that the children who are being seen for the second, third, or fourth time are showing marked improvement in health and parents are having defects corrected in a most gratifying manner.

While we can not draw any very definite conclusions concerning our maternity and infancy mortality rates because of the short time the Sheppard-Towner work has been under way, yet I think that we may say that we have already been able to lend some influence to the favorable trend of these rates in Montana:

Maternal mortality		Infant mortality	
1915	8.2	1915	73.3
1916	9.5	1916	85.4
1917	12.3	1917	94.0
1918	15.6	1918	87.0
1919	11.7	1919	80.0
1920	8.7	1920	72.7
1921	7.4	1921	67.0
1922	7.8	1922	68.7
1923	7.5	1923	71.4
1924 (provisional figures)	7.1	1924	65.6

#### NEBRASKA

STATE OF NEBRASKA,  
Lincoln, March 2, 1926.

Mr. MORRIS SHEPPARD,

Committee on Irrigation and Reclamation,  
United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: It gives me pleasure to comply with your request of February 23.

Nebraska had no work in maternity, infancy, or child hygiene until the maternity and infancy act was accepted by our legislature in 1922. This division of child hygiene, in the State bureau of health, was created then to administer the funds in educational work for the health of mothers and little children in Nebraska. During these years past there have been many thousands of children examined by our competent local physicians, and fathers and mothers have been instructed in the care of the child, and many physical defects found have been corrected. "Follow-up" home calls are made by the field nurse to further instruct and guide these parents in the better health of mothers and children. This work is highly appreciated, and often expectant mothers are found in these homes who need instruction and encouragement.

The prenatal instruction to expectant mothers has been much appreciated, as the accompanying letters show.

Mothercraft classes have been held in various parts of the State, in which prenatal care and care at confinement has been stressed, as well as the physical care of the body.

The bulletins Prenatal Care, Infant Care, Child Care, and Child Management have been distributed in large numbers—during 1924, 73,188, and 1925 (one-half year), 19,246.

A trained Indian nurse has done splendid educational work with the Indian mothers and little children. More mothers are coming to the agency hospital and doctor for care than ever before, and better conditions in the homes prevail.

Very truly yours,

LOUISE M. MURPHY, R. N.,  
Director, Division Child Hygiene.

NEVADA

NEVADA STATE BOARD OF HEALTH,  
CHILD WELFARE DIVISION AND  
UNITED STATES DEPARTMENT OF LABOR AND  
CHILDREN'S BUREAU COOPERATING,  
March 10, 1926.

MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: Am inclosing our first biennial report. We have continued along the same lines as originally planned, and at present have seven public-health nurses in the State.

There are 17 counties in Nevada, and we have divided the State into eight districts; up to date we have given some service to every county but one and will have a nurse in there for demonstration work within the next few weeks. You can readily see that this service is limited in some of the districts as it is impossible for the nurses to reach every place; distances are great, as well as the country sparsely settled. Dr. Russell Anderson, of the Children's Bureau, in Washington, has a copy of a letter written by one of our nurses that will give you an idea of our difficulties; she tells me that she does not know of a case parallel to this one in any other State. I am sure that she will be glad to let you have a copy of this if you wish it.

The nurses without doubt have been able to get closer to the people and have had better personal contact by being forced to make the home calls and give advice there.

This has gone a long way toward educating the public; it seems necessary to educate each individual to sell the maternity and infancy program to the masses.

Am inclosing a copy of the work done from September, 1925, to January, 1926.

At present we are starting an intensive piece of work among the preschool children of the State that will enter school in September, 1926.

The parents seem most interested in this piece of work.

Our plans are to have the first examinations in March and April and, if possible, another in August, before school starts; if this can not be done in August, we will have a second examination as soon after school opens as convenient.

We are following along the line used by Dr. Ellen Stadtmuller, of California, during the time that she did the preschool work there last year, but in a much smaller way.

Sincerely yours,

MAUDE WHEELER,  
Executive Secretary Child Welfare Division.

NEW HAMPSHIRE

NEW HAMPSHIRE STATE BOARD OF HEALTH,  
DIVISION OF MATERNITY, INFANCY, AND CHILD HYGIENE,  
CHILDREN'S BUREAU COOPERATING,  
Concord, March 8, 1926.

MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: The maternity and infancy work brought about through the Sheppard-Towner Act in New Hampshire has been most gratifying, and we feel successful. We have been able to accomplish a great deal in an educational way through our pamphlets and leaflets which are sent to the mother of every newborn baby in the State from the time the child is registered until it reaches the age of one year, and our letters and books on the necessity of prenatal care which reach about 15,000 prospective and potential mothers yearly. Our nurses are able to give much valuable service not only in an educational way but in actual help in thousands of homes throughout the State. We have held over 200 child-health conferences which have been a splendid means not only in the correction of physical defects but a means of education to parents and physicians alike.

The work has been received by all concerned in a most satisfactory manner. There has been no complaint from the physicians and the work is highly thought of by the people in general.

Last year New Hampshire had the second greatest drop in infant mortality in the country. We hope that this splendid record will be continued this coming year.

There is very rarely a mail comes to the office but contains letters from mothers thanking us for the service that has been rendered for literature sent and either asking for additional information or for a call from one of our nurses. These letters are all answered, and whatever help the mother desires is given.

The State board of health feels that it is accomplishing a greatly needed piece of work in New Hampshire and sincerely hopes that the Sheppard-Towner funds will be continued for a longer period of time.

Very sincerely yours,

ELENA M. CROUGH, R. N.,  
Director Division Maternity, Infancy, and Child Hygiene.

EXCERPTS FROM DESCRIPTION OF WORK IN NEW HAMPSHIRE

Seven nurses who are specialists in maternity and infancy work have been employed by the division during the past year. These nurses visit the homes of newborn babies in their territories to give each mother whatever help or advice she may desire. From the beginning of the work there has been hardly an instance where these health visitors have not been gladly received by the mothers, frequently sent for, and always welcomed as a greatly needed friend. Particularly is this true in the rural sections where distance is great and it is difficult to reach a physician. The nurse is able to help the mother with many problems, set her mind at rest on many subjects, give her proper intelligent prenatal care, take her if necessary to a physician for examination, and do many things to make her more comfortable in mind and body. If her baby needs a doctor's care, the nurse tells her so and sees that a visit is made to the physician's office or that the doctor comes to the home. Her duties are so diversified that it is impossible to enumerate them, but the important thing is she is the recognized friend and helper of mothers and children, both loved and respected wherever she and her work are known.

One of the important services rendered is the establishing of the obstetrical package. This is primarily a service for the physicians, particularly in rural communities, although the cities have also taken advantage of this service. Materials sufficient for three packages are given free of charge by the department. A group of women are instructed how to make and sterilize them. Each package is sold for \$2, this money being used to purchase further supplies to continue the work. In a great many instances the prospective mother is too ill or too poor to properly prepare for her confinement, and this carefully made sterilized maternity package may be the means of saving her from puerperal septicemia. Much credit should be given to each group of women carrying on this service in 32 towns in the State.

More intensive and consistent health education is necessary if we are to lessen sickness and disease and if we are to lower maternal and infant mortality. One of the most effective ways to give the necessary information to the public is by means of free literature, lectures, moving pictures, poster display, and lantern slides. Close attention has been paid to all of these. Every mother in New Hampshire receives the latest and best pamphlets, booklets, diet slips, and letters on prenatal, infant, and child care from the time of her baby's birth until it reaches the age of 1 year.

All of our exhibit material is available to the public. Books by noted authorities on these subjects are in our loan library and will be loaned free of charge upon request.

We are encouraging our schools to institute home nursing and child-hygiene classes by loaning equipment necessary for the success of such classes.

Every request to speak on prenatal, infant, and child care is complied with, as we feel that this is one of the best methods of imparting information not only in connection with the maternity and child-hygiene program but on health matters in general.

Giving instruction in prenatal and infant care to groups of mothers and interested women is another important feature of our work. The full course consists of nine lessons concerning all phases of the hygiene of maternity and infancy, but in instances where it is unfeasible to give the full course, three lectures have been arranged that will be most helpful and give a great deal of valuable information. These courses will be given absolutely free of charge to any woman, club, or group of women in the State.

In sections where no nurse is employed, if a mother desires to secure the services of a nurse, a letter addressed to the director of the division, Concord, N. H., will meet with an immediate reply.

NEW JERSEY

STATE OF NEW JERSEY, DEPARTMENT OF HEALTH,  
Trenton, March 3, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Replying to your letter of February 23, would give you the following facts regarding the application of the Sheppard-Towner moneys in the State of New Jersey:

The Legislature of New Jersey passed the enabling act in 1922, and New Jersey participated in the benefits of the Sheppard-Towner Act



beginning 1922, when it received \$12,000 and each year thereafter \$31,284.55.

In addition, the legislature has appropriated directly to the health department for the child-hygiene work \$60,000 each year from 1922, with the exception of 1925-26, when it was increased to \$65,000.

As a result of the activities of this department, child-hygiene work is established in 258 communities, representing 100 field nurses. Of these nurses 68 are paid by the local communities, and in this way the State is left free to extend its demonstrations and efforts to develop the work throughout the State.

The infant-mortality rate since 1918 has declined from 112 to 69. The maternal mortality rate has been practically stationary. You may be interested in a series of maps which show a reduction of infant mortality by county.

Perhaps the results can be summarized by saying that in 1918, 15 counties were black, which means that the mortality rate was over 100 deaths per 1,000 live births; while in 1924 there were no black counties and but 1 county of the 21 in the State with a mortality rate between 90 and 100.

Trusting this is the desired information, I remain

Very truly yours,

H. B. COSTILL, M. D.,  
Director of Health.

#### NEW MEXICO

STATE OF NEW MEXICO DEPARTMENT OF PUBLIC WELFARE,  
BUREAU OF PUBLIC HEALTH,  
Santa Fe, March 6, 1926.

HON. MORRIS SHEPPARD,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Miss Margaret Reeves, director of the State bureau of child welfare, has handed to me your request for data on the operation of the maternity and infancy act in this State, as Miss Reeves's bureau no longer administers these funds.

We compiled recently a summary of statistics for the use of our Senators and Representative, and I am inclosing herewith a copy of these data.

The central State health agency in New Mexico was created in 1919. Naturally, because it was new and untried, its appropriations were exceedingly meager. I think I can safely say that no other contribution from the Federal Government has been productive of so much good as has the allotment for maternity and infancy work, for it made possible the extension to large numbers of rural mothers an educational program that could not have been supported in any other way. Part of this money is now going to the permanent maintenance of public-health nurses connected with full-time county health departments, and they are giving a large share of their time to special health work for mothers and babies.

You have doubtless been made aware of the opposition to a continuance of the Federal allotment on the part of some States and of some medical groups. I am disappointed that physicians should take this attitude and believe that it is chiefly due to a failure to understand the underlying motives of this program. At least in this State the physicians have given the most cordial cooperation to the maternity and infancy nurses, and one county medical society has elected one of our nurses to honorary membership. This seems to me to indicate that the doctors are fundamentally in sympathy with this program once it has been demonstrated to them, and that opposition arises from ignorance of its scope. At the meeting of the American Medical Association in Dallas next month I expect to read a paper in which some of these matters will be discussed. While I do not hope that this will in any way influence the opinions of those who have already made up their minds, I can at least go on record in favor of a continuance of the act and give a statement of our practical experience with it.

I sincerely hope that you will succeed in gaining a continuation of this extremely valuable cooperation.

Respectfully,

G. S. LUCKETT, M. D.,  
Director State Bureau of Public Health.

#### Report on all Sheppard-Towner activities in New Mexico (For the period from July 1, 1922, to July 1, 1925)

##### FIELD WORKERS

1. Children's health conferences.....	287
(a) Number examined.....	4,473
2. Children seen individually.....	4,098
3. Conferences for expectant mothers.....	7
(a) Total examined.....	18
4. Individual prenatal visits.....	599
5. Visits to maternity cases.....	100
6. Number classes for midwives.....	230
(a) Number enrolled that received certificates.....	56
7. Visits to midwives.....	280
8. Little mothers' classes (schoolgirls).....	8
(a) Number enrolled that received certificates.....	59
9. Health demonstrations.....	78
10. Home demonstrations (nursing).....	1,779

11. Public talks.....	875
(a) Attendance.....	4,896
12. Press articles written.....	293
13. Literature.....	12,816
14. Patterns distributed.....	1,915
15. Births registered.....	981
16. Total miles traveled.....	23,827
17. Communities visited.....	146
18. Home visits, unclassified.....	6,870

##### STATE BUREAU

1. By the Chief of Child Hygiene Division (from Feb. 1, 1925, to July 1, 1925):	
(a) Talks to groups.....	9
Attendance.....	617
(b) Days in field.....	72
(c) Boards of county commissioners visited.....	4
(d) Child health conferences assisted.....	2
Number examined.....	39
(e) Counties visited.....	15
(f) Communities visited.....	63
(g) Miles traveled.....	4,300
2. Instructions to mothers mailed out <sup>1</sup> .....	24,179
3. Milk letters, with instructions to mothers <sup>1</sup> .....	6,005
4. New teaching material, new report forms, and establishment of little mothers' classes were additional accomplishments during the period from Feb. 1, 1925, to July 1, 1925.	

##### NEW YORK

STATEMENT FILED BY DR. ELIZABETH GARDINER, ACTING DIRECTOR OF THE BUREAU OF MATERNITY, INFANCY, AND CHILD HYGIENE, STATE DEPARTMENT OF HEALTH, ALBANY, N. Y., WITH HOUSE COMMITTEE ON INTER-STATE AND FOREIGN COMMERCE, JANUARY 14, 1926

The following is a brief statement of the work done in New York State under the provisions of the Federal maternity and infancy act during the fiscal year July 1, 1924, to July 1, 1925:

Administrative agency: Department of health, division of maternity, infancy, and child hygiene.

Staff: Director, associate director (physician), executive clerk (physician), 4 physicians, 23 staff nurses (and 24 part-time maternity and infancy community nurses employed from Sheppard-Towner and local funds), 3 county nurses, 2 midwife inspectors (nurses), 1 organizing field agent, 1 office manager, 4 clerks, 8 stenographers, 1 advance agent, 1 chauffeur.

Activities: Child-health conferences, 236, at which 4,895 children were examined. In addition to the conferences conducted by the State staff, 2,049 conferences were conducted in local communities where the staff was partly supported by maternity and infancy funds, with 17,694 children attending, and 6,027 physical examinations made. In selecting communities in which the State units were to conduct child-health conferences preference was given to those most likely to continue them on a local basis after one or two demonstrations by the State unit.

Prenatal conferences, 155, at which 525 examinations were made. The local staffs partly supported by maternity and infancy funds held 1,488 additional conferences, with 8,406 women in attendance, and 3,116 examined. The prenatal conferences conducted by the State unit were organized by a nurse who made the preliminary arrangements, called on prospective patients, obtained the permission of physicians for patients' attendance, and, if necessary, made the follow-up visits on patients who attended the conferences. If there was a local nurse, she generally did the follow-up work.

New permanent child health centers established, 30, making a total of 28 centers partly supported by maternity and infancy funds. In addition 108 were entirely supported by municipal or private funds. These were given advisory and supervisory service by the State division and report to it.

New permanent parental centers established, 10.

Mothers' classes, 154 class groups, with a membership of 2,217 taught by State staff, 236 taught by local staffs.

In 28 communities child-health consultations have been carried on by part-time physicians, who receive an honorarium from Federal funds. These consultations are held regularly either monthly or twice monthly throughout the year.

Sixteen specialists in obstetrics and pediatrics served as regional consultants for the division, they aiding in the progress of maternity and infancy work in various parts of the State by addressing medical societies and other groups of physicians, conducting graduate courses in obstetrics and pediatrics, and conducting pediatric clinics. These consultants received a small compensation on the per diem basis for their services. During the year two courses in obstetrics, consisting of six lectures on prenatal care, postpartum care, management of normal labor, pathology of pregnancy (two lectures), and pathology of labor, were given to county medical societies; and a clinical group of physicians on Long Island gave one course of pediatric clinics. The course in pediatrics covered natural feeding, artificial feeding, nutritional disturbances, tuberculosis and cardiac diseases in young children, posture or office orthopedics, and protective inoculations.

Six community demonstrations were made.

<sup>1</sup> Items 2 and 3 cover entire period of Sheppard-Towner activities within the State.

NORTH CAROLINA  
NORTH CAROLINA STATE BOARD OF HEALTH,  
Raleigh, April 2, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SENATOR SHEPPARD: Your letter of March 27, relative to what part the Sheppard-Towner Act plays in the maternity and infancy work of North Carolina, has been received.

The State, together with Federal funds derived from the Sheppard-Towner Act, participates financially on a 50-50 basis with every county in the State desiring to undertake maternity and infancy work in accordance with a plan jointly approved by the State board of health and the Children's Bureau of the Department of Labor. The county budget usually consists of \$2,500, of which amount the State contributes \$625; the Children's Bureau, \$625; and the county, \$1,250. It is expected that this basis of financial cooperation will be continued for a period of one or two years, after which there will be a gradual reduction of State and Federal funds and a gradual increase of county funds until a period is reached at which time the counties can assume their full responsibility.

Trusting this information is what you desire and that you will be successful in securing the continuance of the appropriation of the Sheppard-Towner Act in Congress, I am,

Very truly yours,

H. A. TAYLOR, M. D.,  
Director Bureau of Maternity and Infancy.

SUMMARY OF WORK IN NORTH DAKOTA UNDER MATERNITY ACT

Administrative agency: Department of public health, division of child hygiene and public-health nursing.

Staff: Director, 1 nurse, 1 clerk.

Activities: Child-health conferences, 127, at which 2,817 examinations were made. Many of the conferences were return visits to communities in which conferences had been held last year. In these places it was found that an encouraging number of the defects noted by the examining physician at the conference of the previous year had been corrected. Prenatal conferences were held in conjunction with the child-health conferences. Mothers were advised concerning prenatal care, and any mother desiring an examination was given one. The State bureau received more requests to hold conferences in various communities of the State than it could fill.

Campaigns: Assistance was given in the birth-registration campaign in the first six months of the year. North Dakota entered the birth and death registration area in December, 1925, as a result of the campaign.

New permanent child-health centers established, 2.

New permanent prenatal centers established, 1.

Lectures and talks by staff members, 69.

Literature distributed, 15,846 pamphlets of various kinds.

Volunteer assistance was given by 22 physicians, 19 nurses, and 338 lay workers. The physicians have cooperated throughout the State, and much of the success of the conference work was due to their support in creating local interest, as well as their aid at the conferences. Local organizations have been helpful in preparing for the conferences.

The child-health conferences held annually in connection with the State fair have aroused so much interest that a special building was planned for the accommodation of future conference work at the fairs.

OHIO

STATE OF OHIO DEPARTMENT OF HEALTH,  
Columbus, March 3, 1926.

Mr. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: In answer to your letter of February 24 may I send you a copy of the last annual report as prepared by my predecessor? Our program for this year includes most of the items of the maternal and infant welfare program carried on by other States. We are demonstrating public-health nursing services in the counties by holding children's clinics, broadcasting information through talks, printed matter, and the healthmobile, organizing little mothers' leagues, giving radio talks, etc.

The reports of the State department of health on Sheppard-Towner activities, however, do not constitute a fair measure of the total amount of work done in our State. This is because of the unique organization of Ohio's health work in accordance with the Hughes-Griswold act, which tends to decentralize health work so that most of it is carried on not by the State department of health but by the local county health districts. We feel that our main function is to lead the way and to encourage our local health officers and nurses. It has been somewhat difficult to fit the provisions of the Sheppard-Towner Act into this scheme of organization, but I am quite certain that we have been successful and with very gratifying results.

Sincerely yours,

H. E. KLEINSCHMIDT, M. D.,  
Chief, Division of Child Hygiene.

PLAN OF ADMINISTRATION OF THE SHEPPARD-TOWNER ACT IN OHIO,  
1923-1925

For the furtherance of efficient and comprehensive health service and for the dissemination of knowledge as means to assist in the reduction of maternal and infant morbidity and mortality, the following plan is proposed:

1. Education.

A. Lectures before medical societies and local health organizations by obstetricians and pediatricians of national repute.

B. Institutes: Organized at convenient points for physicians, health commissioners, and nurses.

C. Clinics.

1. Prenatal.

2. Preschool.

3. Orthopedic: Purely diagnostic and educational in nature and always referring patients back to the family physician.

D. Instruction to nurses: By printed outlines or correspondence, or in small specially organized groups upon the specific problems of maternity and infancy.

E. Demonstrations: These demonstrations will be organized in order—

1. To assist the community in recognizing and practicing minimum standards for the hygiene and welfare of maternity;

2. To carry to potential and expectant mothers through conferences and demonstrations practical methods of personal and child care;

3. To cooperate with the medical profession in the educational and diagnostic phases of the management of pregnancy and infancy;

4. To stimulate a greater interest in the vital statistics of these periods of life;

5. To promote a coordination of effort among all agencies interested in maternity and infancy;

6. To emphasize these general public health measures which are essential to the success of any personal or public health program.

The general organization of these demonstrations will be under the direct supervision of the Ohio Department of Health. It is hoped that certain assistance will be furnished by local official and voluntary, professional and social agencies.

The local administration of these demonstrations should be arranged jointly by the general or city health districts and the Ohio State Department of Health. The demonstrations should continue for a reasonable period until the State Department shall have been furnished evidence that the work will or will not be continued by local effort. The following procedures are advisable before the actual work is begun:

1. The preliminary meetings with the county medical, dental, and other societies to present the objects and extent of the proposed demonstration.

2. Preliminary survey of the local problem and facilities.

3. Arrangements for office space and for cooperative assistance from professional and social groups.

4. Meetings, at various times, of public officials and representatives from official and voluntary organizations and societies to adopt plans for the permanent prosecution of the work.

It is very essential that the medical profession and laity both understand thoroughly that these demonstrations are solely educational and diagnostic in nature. In every instance the professional relationship between patient and physician will be preserved. The demonstration will in no instance assume actual corrective or treatment measures.

The home visitation and conference educational and demonstration work will be carried on by nurses and physicians. This work will be carried to prospective mothers and into homes where there are children, with the consent and approval of the family physician, and then only after he has been made familiar with the nature of the information to be given. It is not contemplated that such educational work should be limited to subjects pertaining solely to the hygiene of the maternal and infant periods. The subjects covered should include all those phases of public health which bear upon general health promotion of the mother during the important periods of pregnancy and delivery as well as the specialized applications of public health principles pertaining to the hygiene and welfare of infancy and the preschool period.

OKLAHOMA

STATE OF OKLAHOMA,  
DEPARTMENT OF PUBLIC HEALTH,  
Oklahoma City, March 3, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SENATOR: It gives me great pleasure to acknowledge receipt of your letter of the 24th ultimo and to try to advise you in a general way as to what has been accomplished by the act in our State. However, the thing you ask is indeed difficult, quite as difficult as to look at a boy of 4 and estimate his value at 60. The infancy act, looked at through my own eyes (although I admit I might be prejudiced), bids fair to be nothing short of an Abraham Lincoln, should its life be spared and its possibilities developed.



Prior to the acceptance of the act, no appropriation had been made for the health and welfare of these groups, and Oklahoma being only 18 years old has had little time to develop anything in the way of instruction in maternal and infancy hygiene through volunteer and official organizations. Aside from our two largest cities, in each of which there is a very efficient but inadequate nursing organization, the only instruction available to the mother, aside from that through this bureau, is from the physician or the occasional unlicensed, untrained midwife.

The accomplishments of this bureau probably are best seen in the change of attitude shown by the general public and the professional groups. The mothers are beginning to sense their rights and responsibilities as regards proper prenatal care, proper care at the time of delivery, proper aftercare, proper care of the infant, and proper care of the preschool child. They are eagerly acquainting themselves with the accepted standards of excellence as regards prenatal, natal, and postnatal infant and child care, and are asking that the care they get approximate these standards. In turn they are beginning to sense their tremendous responsibilities of citizenship in giving to the community a superior people physically, mentally, and morally.

The medical profession, recognizing the part it plays in this new order of things, is rising to the need. This is evidenced by the number of doctors taking postgraduate work in obstetrics and pediatrics and in the number making changes of location. Just recently a three months' postgraduate course in pediatrics has been launched in seven counties of the State with 146 physicians enrolled. Other county societies are demanding the instruction, and they will be visited as soon as the extension department of the university, which is responsible for this work, can reach them. A number of new hospitals have been built, and each one has made, or is making, special provision for maternity work.

The dentists are cooperating with the bureau almost as a unit in furthering the subject of dental education, and the graduate private-duty nurses are showing such an interest that the bureau just at this time is outlining an intensive postgraduate course in maternal and infant hygiene, which will be available to them as well as to all senior pupils in the accredited nurse training schools.

So great is the interest being shown in the rural home-making clubs that at least one home demonstration agent remarks that if this interest in health continues, she will be unable to complete her own project. Probably the most revolutionary change of attitude is the interest in and the demand for special training in maternal and infant hygiene by the normal schools, the other schools of higher learning, the high schools, and even the grades. Since Oklahoma introduced child care and training in its public-school curriculum in 1923 and since the teachers of home economics have been getting theoretical with some practical training in these subjects for three or four years, it was an easy matter to work out a cooperative scheme whereby the special, technical skill, literature, and equipment of the bureau could supplement that of the instructors in home economics in both the teacher-training and the public schools, so that the maternity and infancy program may be standardized for the entire State.

Something of the growth of the work can be sensed by a comparison of the following figures:

The number of county fairs visited upon our own initiative in 1924 was 32.

The number visited upon special request of the interested authorities in 1925 was 56.

The approximate number of mothers getting the prenatal and postnatal letters in 1924 was 2,000.

The exact number getting letters in 1925 was 6,751.

The number of talks and lectures given by the staff (exclusive of that of the director) upon the initiative of the staff in 1924 was 447.

The number given by the State staff (exclusive of the director) and upon special request of the interested organizations in 1925 was 1,505.

We are happy to advise that as soon as we could make our position clear to the various professions and the general public we have had nothing but the most hearty cooperation from all the official and non-official health and educational institutions in the State. The press, too, has been very helpful.

That the mothers appreciate this service is evidenced by the many letters of appreciation coming to us daily, copies of a few of which will be sent you. My own opinion is that the Sheppard-Towner Act promises to fulfill in our State everything that is expected of it by its authors and its friends, but more time is needed in which to "clinch" the program that shows such phenomenal promise.

Assuring you of our gratitude for your efforts in behalf of the mothers and infants, we are,

Yours very sincerely,

LUCILE SPIRE BLACHLY, M. D.,  
Director.

# OREGON

OREGON STATE BOARD OF HEALTH,  
BUREAU OF PUBLIC HEALTH NURSING AND CHILD HYGIENE,  
Portland, Oreg., March 6, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

SIR: There is no doubt in the minds of those of us who have worked close to the bureau of child hygiene, through which the provisions of the Sheppard-Towner Act function in this State, of the success of this very splendid work. As Oregon was the fifth State to accept the provisions of the Sheppard-Towner Act, we have had time to measure some of the results of our program, and feel that at least we have succeeded in arousing a very great interest in better child health in every section we have contacted.

Our program for the first year, 1922, as outlined by Miss Cecil Schreyer, assistant director of the bureau of child hygiene, and further enlarged upon by Dr. Estella Ford Warner, who was appointed director upon Miss Schreyer's resignation, included:

1. The issuance of prenatal letters: A series of nine advisory letters sent out upon request to any expectant mother residing in the State.
2. Form letters were sent out advising physicians, clubs, and other organizations of these letters and asking their cooperation. Articles were sent to papers also.
3. Distribution of literature on prenatal care and child care.
4. Establishment of child-welfare clinics over the State.
5. Addresses and talks before clubs and other organizations telling them of the work of the bureau.
6. Supplying individuals and organizations with information and material on maternal and child welfare.
7. Affiliating with the University of Oregon School of Social Work for lectures and field service.

During the first year and a half the mailing list for the prenatal letters reached the 1,200 mark, and 82 clinics, at which 3,500 children were examined, were held. Out of 36 counties, 22 were reached during this period, some of the most interesting clinics held being in the most isolated sections of our State.

During the second year a series of three postnatal letters was added to the educational program, and certificates of birth, together with a letter to parents telling them of the services of the bureau, were sent to all parents with babies born outside of the city of Portland. This has brought in a satisfactory return in the way of requests for advice and literature as well as appreciation.

During the spring and fall of 1923 lectures on maternal and infant hygiene were given in connection with courses at the University of Oregon and the Oregon Agricultural College, and a series of lectures and class work was presented at the summer session of the university extension. Studies were made by the bureau statistician concerning the incidents and causes of stillbirth and the causes of infant and maternal mortality.

In 1924 a series of four prenatal clinics was arranged for in cooperation with the obstetrical department of the University of Oregon Medical School and the Portland Visiting Nurses' Association. These clinics offer services to those who could not otherwise afford prenatal care and also serve as a teaching center for the medical students.

In July of this past year one of the weekly letters of the State board of health called attention to the work of the bureau of child hygiene and asked that doctors, nurses, and people interested in prenatal letters send in names to this office for this service. This letter was reprinted in most of the county newspapers, and has resulted in a marked increase in the number of prenatal letters.

Relative to the prenatal letters, we frequently meet mothers out over the State who express their appreciation of the advice they have received in this way.

In the five counties where there is a full-time unit and where the nurses are paid from Sheppard-Towner funds, there has been a most intensive maternity and infancy program carried on during the past year. Three permanent infant and preschool clinic centers have been established, little mothers' classes have been organized, demonstrations have been made of the obstetrical kit for home deliveries, and infant and preschool clinics have been held in various parts of the counties. In one county a dental survey was made of all the school children which has resulted in the establishment of a permanent dental clinic. In two of these counties much work has been done in the schools relative to immunization for diphtheria and scarlet fever.

Owing to the resignation of Doctor Warner in January, the Children's Bureau kindly loaned us a clinician for state-wide clinics during the latter part of the summer. Eighteen clinics were held, covering the different sections of the State pretty thoroughly, and over 1,000 children were examined. Many of these clinics were held in most isolated sections and were very well attended, showing the results of the intensive clinic program held previously. In going over this territory with the clinician, one of the most hopeful indications of the good results of the Sheppard-Towner work that I observed is the intelligent interest the young mothers are taking in their children

and the desire expressed for more frequent clinics. They are very anxious that we come back again this year and plan for two or three day clinics in each place so that all the mothers may be benefited.

We find, too, that there are many more requests on the part of the young mother for information such as is given out through this bureau as to feeding, posture, habit training, etc. \* \* \* The young mother is calling for later literature on child nutrition and development and is demanding the very best for her child in every respect.

We are very anxious in this section of the country to see the Sheppard-Towner work continued through another five-year period, which would place our work on a most substantial basis.

Very truly yours,

GLENDORA M. BLAKELY, R. N.,  
Assistant Director, Bureau of Child Hygiene.

#### PENNSYLVANIA

STATEMENT OF DR. MARY RIGGS NOBLE, DIRECTOR OF ADMINISTRATION OF THE SHEPPARD-TOWNER ACT FOR THE STATE OF PENNSYLVANIA, BEFORE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, JANUARY 14, 1926

Doctor NOBLE, Mr. Chairman and gentlemen of the committee, I want to say at the beginning that we have the very greatest latitude in making our plans in Pennsylvania.

I had the honor to be in the division work before any Federal money was available, and our plans were simply laid aside because there was no money to carry them on, and it was simply the matter of getting out those plans and starting them when the money was available.

The three points that I shall make are that we are starting permanent child-health work, going into communities, and making such a basis that if we were suddenly swept off the map, either in the central office or federally, that community would have a good deal within itself to keep going for its own babies and mothers.

We could not put our fingers on 25 child-health centers outside of Pittsburgh and Harrisburg when we started to interest the local committees in this work. We have now 418 permanent centers. A good many of those the State has not been directly responsible for, but outside of Harrisburg almost every single center uses something that our division supplies, either our advice, our organizing help, or our literature and record forms.

For example, in one county they have reduced their infant death rate to 46, where the State rate is 78, and I think it can be safely said that practically every child under 6 is under the supervision of the public health nurse and locally interested women. They only lost three mothers in that county, with a population of 40,000, last year.

In the second place, we are attacking, which is our worst problem, the deaths of the mothers, and I want to show you the map that we made out showing the deaths of mothers in Pennsylvania [showing map of Pennsylvania]. Each pin is a mother who died in 1924. We lost altogether 1,337 mothers. We have scarcely made a dent in that situation, and we admit that is one reason, and I think perhaps they very best argument, why we should have more time with money going on to help us out. Everybody is working on it. All scientists and physicians are more interested than they have ever been before.

In these two things the spontaneous interest of the physicians and the automatic response in the communities is something that, in contrast to three years ago, is almost more than we could have anticipated. Doctors were not understanding, and certainly not very much interested, in our preventive work, and we now have over 700 physicians interested in both the baby work and the other work. There are 12,000 physicians all told in the State, and a very large proportion of them are interested in this work. We look back over three years and we feel that we have their friendliness and their interest and their cooperation, and that they understand the program as they never did before.

The most spectacular thing we have done, perhaps, is to interest the midwives. In nine counties we have full-time women physicians supervising, controlling, and instructing midwives. Midwives to the number of 666 are being controlled and supervised. There the infant death rate just after birth—what we call the "neonatal," new-born death rate—was 23.7, where the rate for the State is very much higher. And their maternal death rate in 11,000 deliveries was only three as against a rate for the State of six point something. We feel that if we can control the midwives as we are doing now through the whole State, and particularly in the rural areas, in the coal region, where there were more foreigners and where it is the most pressing problem, that we can be doing the best work.

#### RHODE ISLAND

(Rhode Island accepted the benefits of the act in April, 1925. The report submitted covers the work done in the remainder of the fiscal year (May and June) 1925)

Administrative agency: State board of health, division of child welfare.

Staff: Director, 4 nurses, 1 field secretary, 1 stenographer.

Activities: Child-health conferences, two each week. The number of children examined was not reported.

Home visits, 4,164. These were made by the staff nurses.

Lectures by staff members, three.

#### SOUTH CAROLINA

SOUTH CAROLINA STATE BOARD OF HEALTH,  
Columbia, S. C., March 13, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: In response to your inquiry as to what has been accomplished in South Carolina by the infancy maternity act I can cite the following:

Two thousand six hundred and thirty midwives have been given a course of instruction in the proper care of mothers and babies. This course has consisted of 10 lectures and as many practical demonstrations. At the conclusion of it those women who have shown an understanding of the teaching are given permission to practice for a year under the supervision of the State field nurses. As half the women in South Carolina are cared for at childbirth by midwives, it is evident how important this work is.

Nine hundred and twenty mothers have been given a course of 22 lessons in the hygiene of the home and the care of infants and young children, and over 3,000 others have had 10 or more lessons in child care.

One thousand one hundred and eighty-three girls have joined Little Mothers' League groups to learn how to care for babies. As these are generally seventh and eighth grade girls who will before many years marry and have children of their own this is certainly a thing of value to the community as well as to the students themselves.

One thousand eight hundred and twelve baby conferences have been held, at which 28,947 infants and preschool children were examined and the mothers advised as to their care and treatment.

We have been able to do a great deal of educational work leading toward the establishment of prenatal clinics and better care for women before and at the time of confinement.

Our infant-mortality rate has been lowered to 91.4 this past year, but we consider that the fact that these children who do not die are also being cared for in a more intelligent way, so they will grow up to be more useful and efficient citizens, is of equal importance.

Much remains to be done, especially along the line of prenatal care. This most important branch of the work is always the most difficult to put across because of the hesitancy of expectant mothers about coming to clinics, so that the nurse must bring about the education of these women by repeated home visits.

We do feel now, however, that a beginning has been made and that a few more years will enable us to reach every part of our State with an educational program that will result in a permanent lowering of our maternal and infant death rate.

I am inclosing a letter just received asking for help from us. This letter is fairly typical. We seldom get letters from women acknowledging our help, because when we receive such a letter as this we refer it to our nearest public-health nurse and ask her to visit the woman and keep in touch with her as long as she needs advice and assistance. Our reports then come in through the nurse.

Frequently women who have brought a sickly baby to a child-health conference return the next year with a healthy child and tell us quite proudly that they have followed the doctor's instructions to the letter and are more than pleased with the result.

If there is any more information that I can give you that would be of value or interest, I will gladly furnish it.

Sincerely yours,

ADA TAYLOR GRAHAM, Director.

#### SOUTH DAKOTA

STATE BOARD OF HEALTH,  
DIVISION OF CHILD HYGIENE,  
Waubay, March 2, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: Complying with your request of February 25, I am very glad to forward to you a copy of the report of the work of the South Dakota division of child hygiene, cooperating with the United States Children's Bureau under the provisions of the Sheppard-Towner Act. The report covers the period from the time the Sheppard-Towner appropriation became available to December 31, 1925, but is only a brief summary and is listed as a reference in the program of study for the child welfare department of the South Dakota Federation of Women's Clubs.



Inclosed also, as requested, are copies of a number of letters from individuals who have received or observed some benefit from our work. It is my sincere hope that the Members of Congress will feel that the work under the Sheppard-Towner Act throughout the States has been of sufficient value to justify its continuance.

I should like to take this opportunity to express to you my personal appreciation of your efforts in this field. Working among the people, as I do, I can see the great benefit that it has been to thousands of people throughout the United States, directly and indirectly.

Very truly yours,

STATE BOARD OF HEALTH,  
CLARA E. HAYES, M. D.,  
Director, Division of Child Hygiene.

#### WORK OF THE SOUTH DAKOTA DIVISION OF CHILD HYGIENE

The division of child hygiene administers the United States Sheppard-Towner fund for maternity and infancy, the State appropriation to match that fund, and the appropriation made by the last legislature for crippled children.

A budget of both State and Federal funds for maternity and infancy is submitted annually to the United States Children's Bureau for approval. The privilege of rebudgeting semiannually is granted in case the year's work can not be carried out as planned. In addition to the entire State appropriation, a large amount of the Federal allotment remaining after deducting the cost of administration is used for actual work within the State.

The best information on the purpose and duties of the division of child hygiene I believe is a report of the work done since it began operation. Following is a summary of the work up to December 31, 1925.

#### NURSING

The division of public-health nursing has been maintained. The supervisor of public-health nursing secures properly qualified nurses for county and school work and supervises and helps all public-health nurses in the State. She makes advance arrangements in the field for mother and baby clinics, assists the director of the division with such clinics, and conducts mothers' classes. For the past eight months a field nurse has been employed. She makes arrangements for and assists with the mother and baby clinics and arranges for and conducts classes for mothers.

Financial assistance has been given to Harding, Perkins, Corson, and Dewey Counties in the employment of county nurses who have carried out special programs of maternity and infancy work in addition to the general public-health nursing. Whole-time county health departments have been organized in Pennington and Yankton Counties with financial aid from the international health board. These departments, together with Brown County whole-time health department, have received some financial help. Each department employs two or three public-health nurses who carry out intensified maternity and infancy programs.

All arrangements have been made for more than a year to give Harding County further help with the maintenance of a public-health nursing program, but no nurse can be found to take the work.

#### MATERNITY AND PRESCHOOL CLINICS

These clinics give opportunity to expectant mothers for physical examination and advice and for physical examination of children of preschool age and advice to their parents regarding the correction of physical abnormalities and proper care. In the clinics conducted by the director of the division and State supervising nurse, the field physician and nurse working five months in 1924 and 1925, and the physicians and nurses of counties helped financially 8,135 children and 122 expectant mothers have been given examination. Clinics were held in 62 counties and 159 towns once and in 40 counties and 91 towns twice. In the whole-time county health departments, 145 expectant mothers and 735 infants have been under supervision.

#### EDUCATIONAL WORK

The South Dakota Mother's Book has been revised. A copy is sent to the mother of each child whose birth is reported to the State board of health. In all phases of our work the importance of birth registration is emphasized. Although South Dakota is not in the United States birth registration area, for the past four years the rate of births reported has been slightly higher than the average rate of reporting in the birth registration area.

A small publication on infant feeding has been prepared and many copies are sent out upon request.

Special instructions on prenatal care have been sent out upon request to 1,941 expectant mothers.

Four hundred and ten lectures have been given on maternity and child-health subjects, most of which have been illustrated with special films.

The last phase of educational work to be developed is the mothers' classes, consisting of eight lessons covering the whole period of pregnancy. The last two lessons are demonstrations of the preparation of materials for confinement and things necessary for the baby. With each of the first six lessons an additional demonstration of some phase

of the care of the baby during the first month of life is given. Several county nurses have conducted mothers' classes. The State supervising nurse and the field nurse have just completed 10 courses in Jackson, Jones, Lyman, Brule, McCook, and Division Counties, with a total enrollment of 169 members. The attendance at these classes increased with each lesson. Many of the members walked over a mile and several as far as two miles and a half to attend. There have been numerous expressions of gratitude for the work and of the benefit which it has already been to the members. The classes are usually held in the home of one of the members. All materials, including typed outlines for each member, is provided by the division of child hygiene. Twelve more classes have been planned to begin in January. Six of these will be in Butte, Lawrence, and Meade Counties, and six in Deuel, Hamlin, and Clark Counties.

#### TENNESSEE

STATE OF TENNESSEE, DEPARTMENT OF PUBLIC HEALTH,  
Nashville, March 13, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SIR: Dr. W. J. Breeding has asked me to make a general statement on the accomplishments as a result of the expenditure of money in Tennessee under the Sheppard-Towner Act. The statement can be quite brief, for definite statistical evidence can be presented.

Two types of work in this field are in progress in Tennessee. The first is a generalized program for counties in which there are no full-time local health organizations. Obviously, work of this kind will not lend itself to any definite statement as to its value until after a considerable period of time. We believe its principal value at present is that resulting from general educational activity; that is, a shortening of the lines of communication between the sources of health information and the individual mother who must profit by our knowledge of health principles if these principles are to have practical value. We think that our activities in this field have had considerable value and present as evidence a better understanding of health problems, which is quite apparent to our field workers.

The second form of activity in which we are engaged is specific in nature and principally performed by nurses attached to local full-time health organizations, mainly consisting of full-time county health departments. In addition to the work being done in cooperation with county health departments, some counties are maintaining county nursing units without full-time health departments. Evidence of the improvement of conditions in these areas is definitely shown by the slow but sure and consistent decline in the infant-mortality rate, which is a very sensitive index. If the infant-mortality rate for the State as a whole had been as low as the rate in the areas where this work is being done, Tennessee would have lost 167 fewer babies than it actually lost in 1924. Needless to say, we are extending this plan of activity to our counties as rapidly as possible. A statistical study of maternal-mortality rates has not yet been possible, but I feel confident similar results would be shown.

Very truly yours,

E. L. BISHOP, M. D.,  
Commissioner of Health.

#### TEXAS

TEXAS STATE BOARD OF HEALTH,  
Austin, Tex., March 5, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Your letter of February 25 received. I am inclosing letters for your use. I am sending originals, as we are taking these out of our files to throw away. We have thousands of letters of this type, and only one letter in our six years of operation in Texas condemning our work.

The one complete file that I am sending—the Spur, Tex., file—is in regard to laboratory tests made on a case, the result of which probably saved the mother's life. Where we have a nurse in the county, this is handled through the county nurse.

We have 28 maternity and infancy nurses in Texas, doing full-time work and putting on a county-wide program. We have one itinerant nurse, one negro nurse, and a supervisor with one assistant, who is also an advisory nurse. We have a maternity home inspector, which is required by the State law. The State law also requires that we furnish prophylactic drops for indigent cases, and we supply silver nitrate.

We have located 2,576 midwives, each one of whom is supplied with birth-certificate blanks and silver nitrate. Midwife classes are held in counties where we have a maternity and infancy nursing service.

We send a letter to the mother of every baby whose birth is registered. Copy of this letter is included, with reply attached. With this letter is inclosed a card, listing pamphlets for mothers of young chil-

dren. On requests through these cards we send out between two and four thousand pamphlets a month.

These pamphlets are secured from the Children's Bureau at Washington.

I am sending you a copy, one month's issue of the Gleaner, which gives you the report of the field work for that month, statistical and narrative. This goes out monthly to the nurses, and will give you an idea of our field work.

Our prenatal files carry an average of 2,000 names a month, of mothers asking for literature on prenatal care. The nurses in the counties hold classes for expectant mothers and mothers of young children.

Every woman's organization in Texas has a child hygiene division which is working in connection with the Department of Health to make the child-hygiene program as general as it is possible.

We are not in the birth-registration area, but we have estimated a loss of 9,000 babies a year in Texas under 1 year of age, and 900 mothers who die in childbirth. We are working to decrease this very high percentage, most of which is due to lack of prenatal care.

If I can give you further information, I shall be glad indeed to do so.

Very truly yours,

H. N. BARNETT, M. D.,  
Director, Bureau of Child Hygiene.

UTAH

UTAH STATE BOARD OF HEALTH,  
BUREAU OF CHILD HYGIENE,  
Salt Lake City, Utah, April 3, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SIR: Response to yours of recent date has been delayed by my absence in the field and other interferences. I trust the following information may not be too late for your purpose:

The bureau of child hygiene of the State board of health, which was designated to direct the work of the Sheppard-Towner activities in Utah, has organized health centers in all of the counties of the State. To date 121 centers have been established in charge of local committees, at which well-baby clinics or conferences have been held at intervals. Examinations of the children have been made by the director of the bureau, supplemented by local physicians where available. Maternity welfare has been stressed at the centers and through literature sent from the office of the board of health. Follow-up work to secure the correction of defects discovered has been carried on by public-health nurses as far as possible.

During the period from January 23, 1922, to December 31, 1925, 26,105 examinations have been made at the health centers. Of these, 6,115 were reported normal, while the balance of 19,990 had one or more physical defects, totalling 38,719, thus showing an average of 1.48 defects per child examined. As a result of these examinations we have been able to have a great many defects corrected, underweight children have been brought to normal, tonsils and adenoids have been removed, teeth filled, and other conditions remedied too numerous to mention, while thousands have been immunized against diphtheria and smallpox. The prevention of goiter has been stressed to the expectant mother and the parents of little children, with the result that many are now taking preventive treatment for this condition. Mothers everywhere have expressed their great appreciation of the assistance thus given them, while many of the grandmothers have said, "How I wish I could have had such help when I was raising my family."

The work has proved of very great value. The promotion of maternity and infancy welfare has been farther advanced in Utah than would otherwise have been possible in many years. The discontinuance of the work at this time would be disastrous, because the demonstration of its benefits has not reached a stage of completion that will insure its permanency.

Respectfully yours,

H. Y. RICHARDS, M. D.,  
Director, Bureau of Child Hygiene.

#### SUMMARY OF WORK IN UTAH

Administrative agency: State board of health, bureau of child hygiene.

Staff: Director (physician), 1 physician (part time), 1 staff nurse, 3 county nurses (part time), 2 clerks.

Activities: Child-health conferences, 234, at which 7,972 examinations were made.

Prenatal conferences, 54, with an attendance of 130. These were held in conjunction with child-health conferences. Expectant mothers were given instruction in prenatal care only.

Mothers' classes, 55 class sessions. A total attendance of 1,112 women was reported at the classes held during the last half of the year. The number in attendance at classes held during the first half year was not reported.

Little mothers' classes, 4.

Home demonstrations, 123. These included demonstration of layettes, infant care, and the preparation of infant and child diets.

Home visits, 2,296.

Maternity homes inspected, 7.

Infant homes inspected, 1.

Surveys made in two counties to secure information on such points as existing sanitary conditions, health resources, social agencies, etc., of each town in the county. This information was used in formulating plans of work in these two counties.

New permanent child-health centers established, 50.

Lectures and talks by staff members, 241.

Literature distributed, 13,594 Federal and State bulletins.

Exhibits: Charts, posters, slides, and other exhibit material have been prepared for fairs and meetings of various organizations. New graphs have been made showing the trend of infant mortality and morbidity rates in the State. These have been exhibited in the State offices and at other places where they might be of interest to the public.

Volunteer assistance was given by 75 physicians, 20 dentists, 28 nurses, and 722 lay workers. In so large a State the best method of work for the comparatively small staff has seemed to be to have one of the staff nurses go into a community, and after noting general health conditions and other relevant facts confer with the various clubs, churches, and other organizations, to interest them in the establishment of a health center. The next step was to have them appoint a temporary committee to prepare for the later arrival of a member of the medical profession, or a nurse, to give a demonstration of child-health work. These demonstrations were given good publicity in advance and the attendance was excellent. The visitors then were asked whether the examinations of their children were of value and whether they cared to make the organization permanent. The term "permanent organization" serves merely to indicate that some one is responsible for keeping the work going in the long intervals which must elapse between the visits of members of the State staff. The local physicians were expected to conduct the conferences and were requested to report the number of children examined, types of defects found, etc. If possible, the conferences were held in public-school buildings.

As a result of this work done by the State bureau, 50 new permanent health centers have been established this year, at which periodic child-health conferences are conducted by local personnel.

Tabulations were made of the results of the 11,562 examinations made at 386 child-health conferences held in 25 counties by the State staff or by local forces. These tables showed such points as number of children coming to the conferences for the first time, number of children returning for examination, and number and kind of defects found. Correction was recorded of 1,409 of the 14,681 defects noted.

VERMONT

STATE OF VERMONT,  
DEPARTMENT OF PUBLIC HEALTH,  
Burlington, Vt., March 18, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SIR: Replying to your request for information regarding the working of the Sheppard-Towner maternity act in this State, I beg to say that our work has been in progress for so short a time that it is as yet impossible to state results. However, so far as we have gone with the work, it promises well.

Our field nurse is already beginning to see results of her efforts, and the people are increasing their interest. Further than this, our progress in obtaining increased accuracy in vital statistics has been very satisfactory, and I feel that if the Sheppard-Towner work had accomplished no other result in this State than that shown in vital statistics it would still be thoroughly worth while.

Yours very truly,

CHAS. F. DALTON, Special Agent.

VIRGINIA

COMMONWEALTH OF VIRGINIA,  
STATE BOARD OF HEALTH,  
BUREAU OF CHILD WELFARE,  
Richmond, March 9, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: I regret the delay in replying to your letter of February 25, in which you ask for information regarding the accomplishments in Virginia under the acceptance act for Sheppard-Towner funds. I have been out in the field, and your letter has just come to my attention.

The bureau of child welfare was established in 1918, though without direct appropriation until 1920. During the four years to 1922 the principal emphasis was laid on the healthy school child, and health education in the schools was the greatest activity. However, the need for maternity and infancy work was clearly seen, and during



the summer months some attempt was made to reach mothers through child-welfare conferences. Also in order to stimulate public-health nursing to safeguard the health of school children in rural districts a small amount of money was set aside to aid in establishing such nursing service. It was not until 1922, when through the acceptance act Virginia received Sheppard-Towner funds, that a definite program for maternity and infancy work could be inaugurated.

From this time on various activities were gradually put into operation as the need became apparent and funds were available. With the assistance of this Federal appropriation, we have been enabled to help to support on an average 40 nurses a year in as many communities. We give from \$200 to \$500 a year toward a nurse's salary, and she is required to devote one-fourth of her time to maternity and infancy welfare work, including prenatal and postnatal instruction to mothers, and teaching midwife, home nursing, and mothers' classes.

We were enabled to put on an intensive study of the midwife situation in Virginia. There are 6,000 midwives in Virginia, most of them illiterate, ignorant, and superstitious. A large majority of these are negroes, and many of these attend white women. One-third of the mothers in Virginia are attended by midwives. Midwife classes have been organized in 34 counties where there are no public-health nurses and in 32 where there are nurses.

We give a course of eight lessons. Efforts are being made to eliminate the most ignorant and superstitious of these midwives, and to train a better class of women to take up this work under the supervision of doctors. Such women will be called doctors' helpers rather than midwives.

Child-welfare conferences have been held wherever requested. These conferences are of two kinds, permanent where there are health stations to which mothers are encouraged to bring their children regularly for instruction, and itinerant where the mothers come in groups to appointed places with their babies and preschool children for examination and instruction. In the past three years 6,385 children have been examined in the itinerant conferences alone.

One of the most far-reaching educational pieces of work put on by the Sheppard-Towner funds is the correspondence course for mothers. In this course mothers are trained through 12 regular lessons, including questions to be answered in writing and sent to the director for correction and additional information if needed. The course was written as simply as possible in order to reach even those who have poor educational background and who especially need instruction in maternal and infant care. It is given free to all mothers, fathers, and guardians of children. The course is in charge of a woman who is herself a nurse and a mother and has had many years' experience in training mothers through visiting nursing service.

During the two and one-half years this course has been in operation over 2,100 women have enrolled for instruction, and as a result of this teaching many of them have been induced to consult a physician rather than a midwife during the early months of pregnancy.

We all realize that without the Federal aid through the Sheppard-Towner fund it would have been impossible to accomplish what has been accomplished in maternity and infancy work in Virginia through the activities of its field workers and instructors.

According to your request I am inclosing some expressions of appreciation from those who have taken the correspondence course for mothers.

Very sincerely yours,

MARY EVELYN BEYDON,  
Director, Bureau Child Welfare.

WASHINGTON

STATE OF WASHINGTON, DEPARTMENT OF HEALTH,  
Seattle, March 29, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SIR: No money was available in this State for maternity and infancy work before the Sheppard-Towner Act became effective, and although several of the larger cities were carrying on some form of child-health activity, nothing on a state-wide basis had been done.

Through the avenues of child-health conferences, mother and baby health schools, and a correspondence course in the hygiene of maternity and infancy there is now available to the mothers of this State knowledge she should have relative to her own care during pregnancy and information regarding the care of her baby.

Physicians, public-health nurses, women's clubs, and other lay organizations have become keenly interested in these activities and the success of the State's program is due mainly to the cooperative efforts of these individuals and organizations.

One of the greatest assets which the division boasts is the deep interest in and the splendid attitude of the physicians throughout the State toward its child-hygiene program.

The death rate per 1,000 live births for infants under 1 year in this State has decreased from 59.09 in 1922 to 55.2 in 1924. The tabulations for the year 1925 have not yet been completed.

Inclosed is a brief summary of the activities of the division for the year ending December 31, 1925.

Very truly yours,

ELLA S. ERIKSON,  
Advisory Nurse.

SUMMARY OF ACTIVITIES OF CHILD HYGIENE DIVISION OF STATE OF WASHINGTON, DEPARTMENT OF HEALTH, 1925

The division has for its object the education of the mothers of the State regarding their own care during pregnancy and the care of the infant and young child, so that morbidity and mortality during pregnancy, confinement, and infancy may be reduced.

Through cooperation with all public-health, medical, and lay organizations now conducting state-wide child welfare programs, the division is attempting to correlate all child-welfare activities now being carried on in the State.

The avenues through which this program is being promulgated are—

(1) CHILD-HEALTH CONFERENCES

During the past year child-health conferences have been conducted in 63 different communities of the State. Four thousand, five hundred and thirty-six examinations of infants and small children were made in these conferences. In each instance the significance of the findings were explained to the mother, need of medical and dental care pointed out, diet and general care discussed and questions answered. The conferences were all held under the auspices of some lay group in the community and with the cooperation of representatives of the medical profession.

(2) MOTHER AND BABY HEALTH SCHOOLS

Mother and baby health schools featuring lectures and demonstrations in prenatal and infant care have been held in many communities. The health schools consist of series of lectures and demonstrations by physicians, nutrition specialists, nurses, and other experts in child care. Mothers have been very greatly interested and attendance at the lectures has been most satisfactory. The health school idea is adaptable to communities of all sizes, anywhere from two to six lectures being given. Demonstrations depend upon material and assistance available.

(3) CORRESPONDENCE COURSE

A correspondence course in the hygiene of maternity and infancy given by the division has been highly successful. The course has a wide range of application and is being undertaken by groups of mothers as well as by individuals. Physicians and nurses have utilized this course as a means of instructing mothers. At the present time 273 mothers are enrolled in this course.

(4) LITERATURE AND RECORD FORMS

Physical examination forms and instructions for conference conduct have been prepared. Ten thousand two hundred and sixty copies of literature on child-health conservation have been distributed. The greater part of this literature is supplied by the Children's Bureau of the United States Department of Labor.

(5) FILMS, SLIDES, AND POSTERS

Films, slides, and posters owned by the division have been utilized by both lay and professional groups in promoting their child-hygiene programs.

For 1926 expansion of activities into the counties where comparatively little work in child hygiene has been done is planned. The coming year should see interest in child and maternal health manifest itself in some form in every county in the State.

WEST VIRGINIA

STATE OF WEST VIRGINIA, DEPARTMENT OF HEALTH,  
DIVISION OF CHILD HYGIENE AND PUBLIC HEALTH NURSING,  
PROMOTION OF THE WELFARE AND HYGIENE  
OF MATERNITY AND INFANCY,  
Charleston, W. Va., March 11, 1926.

HON. MORRIS SHEPPARD,

Committee on Irrigation and Reclamation,  
United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: It is a great pleasure to give all information possible to you concerning what has been accomplished in our State through the passage of the Sheppard-Towner Act.

Previous to the passage of this act in 1919 the Legislature of West Virginia created a division of child hygiene and public-health nursing, but funds were so limited that the work of the division was greatly handicapped. When Federal funds became available to us in May, 1922, it made possible added personnel and increased activity in our maternal and child-health program.

We are financing in the State department now, through Federal funds, one-half the salary and travel expense of the division director, the salary and travel expense for one white field advisory nurse and one colored field advisory nurse, two clerical workers, one clerk and one field worker in the vital statistics division. The remainder of our funds is used to supplement the budget for the employment of public-health nurses in local territory as a stimulus and encouragement toward establishment of a permanent health-protection program for the county or community. In a number of instances the successful demonstration of the public-health nursing program over a period of one or two years has resulted in the establishment of a full-time health department. This, we believe, is fulfilling the ultimate objective you had in mind in your heroic fight for the passage of the Sheppard-Towner bill.

If through the demonstration made by means of Sheppard-Towner funds in behalf of health protection and promotion for mothers and little children, permanent health organizations result in local territories in most of the States, you will have made a tremendous contribution to the country; indeed, we feel you have already done so.

Our State department of health is now contributing from \$600 to \$1,500 toward a budget for the employment of a public-health nurse in 11 counties of our State.

Besides the active nursing program and the activities related to birth registration, we are carrying on what, for want of a better term, we call a motherhood correspondence course. The inclosed copy of an article on this phase of the work which has just been prepared for the quarterly bulletin will be of interest. We are also inclosing copies of excerpts from mothers' letters which constantly come in.

If we can give you any further information, it will be our pleasure to do so.

Sincerely yours,

Mrs. JEAN T. DILLON, Director.

#### STUDY OF MOTHERHOOD CORRESPONDENCE COURSE IN WEST VIRGINIA

One of the methods used in several States to reach expectant mothers and mothers of young children, with health education as one means of reducing the maternal and infant sickness and death rate, is a series of letters and literature, grouped for convenience of expression under the title "Motherhood Correspondence Course."

West Virginia has been making a modest effort along this line since July, 1922. The course consists in our State of a series of five prenatal letters sent at short intervals, and accompanied by other material such as may be secured through the Children's Bureau and our own department, supplementary to the letters. The letters emphasize the importance of medical supervision from the beginning of pregnancy, of suitable diet, exercise, proper clothing, etc., for the expectant mother for the safeguarding of her own comfort and health as a means toward giving her child a fair chance to be well born. During the first six months over 800 women enrolled for this information, and by the end of the first year the number had grown to 1,675; by the end of the second year the enrollment had increased to 3,931, and at present the number is approximately 6,000.

The clerical work entailed has grown very heavy, and it was decided to make a test in order to find out whether results obtained were really commensurate with expense involved.

A simple questionnaire was sent out to 2,000 of the mothers who had been enrolled for a period of two years or longer.

It is interesting to note in connection with the above that the death rate under 1 year is 4.8 per cent, while for the State as a whole the figure stands at 7 per cent.

#### WISCONSIN

##### WISCONSIN STATE BOARD OF HEALTH AND UNITED STATES

##### DEPARTMENT OF LABOR, CHILDREN'S BUREAU,

Madison, March 1, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I am very glad indeed to submit a very short account of the work which has been carried on in Wisconsin under the Sheppard-Towner Act.

The bureau has established a prenatal letter service, through which one letter each month is sent out to every expectant mother whose name is sent to us, and their letters of appreciation have placed a distinct value upon this branch of our service. We quote a few of these letters, as follows:

"You can never know how much your wonderful letters and bulletins meant to me. \* \* \* I wish more of the prospective mothers knew of the splendid help your department gives."

"Thank you for the helpful literature. \* \* \* It has helped me so much, as I knew nothing about motherhood.

"\* \* \* I find your letters of great help; thank you for interest and kindness."

"Thank you for the helpful service. I saved your letters and bulletins and reread them from time to time. Sincerely believe that I can nurse my third baby for a longer period than the other two because of your information. I am taking care of myself the way you told me to do. \* \* \*"

"I feel that it is due to your letters that my second baby lived. The first one did not live many hours, and I realize now that it was because I knew nothing about caring for myself."

"Every mother in Wisconsin ought to have your letters, which have been a wonderful help to me. \* \* \*"

"The letters tell me everything I wish to know."

We could quote many more on this subject, but as these come from various parts of the State, it will show somewhat the appreciation which our mothers have.

In addition, Wisconsin has been able, through the cooperation of the board of normal regents and the board of education, to incorporate our infant-hygiene classes in the seventh and eighth grades of almost every school in the State. The plan for this has been worked out by Mrs. Gertrude Hasbrouck, organizer of the infant-hygiene classes in the public schools of Wisconsin, and is meeting with very wonderful success.

We have sent the inclosed bulletins of the child-welfare special and the six-year summary to each one of our United States Senators and Representatives; also to each counselor of the State medical society, besides sending a number of these to our various women's clubs, including the League of Women Voters, with headquarters at Chicago.

If we can send you any further information, or if there are any suggestions you can make as to how we could better reach or interest more people in this work, we will be very glad to accept anything offered.

Sincerely yours,

CORA S. ALLEN, M. D.,

Acting Director Bureau of Child Welfare.

#### Statistical summary of field and office work in Wisconsin, September, 1919, to September, 1925

Number of talks to groups	1,162
Number of home visits by field nurses	5,489
Number of child-health and prenatal conferences	1,337
Number of infants and preschool children examined	34,354
Number of prenatal patients received at health centers	958
Number of counties in which service was given	71
Number of cities in which service was given	710
Number of training schools for teachers visited and instructed	47
Number of advisory visits to public-health nurses	639
Number of district meetings of public-health nurses	31
Number of annual institutes	6
Sets of posters loaned	739
Sets of slides loaned	68
Films loaned	48
Number of circular letters sent out	73,288
Number of individual letters written	20,260
Number of prenatal letters issued	30,204
Number of publications distributed	480,492

The results of the work in Wisconsin have thus far exceeded expectations. Nevertheless the greatest results will appear in the next 10 or 20 years, when the children examined or the children of mothers having had this health service reach maturity.

#### WYOMING

THE STATE OF WYOMING,  
DEPARTMENT OF PUBLIC HEALTH,  
Cheyenne, March 29, 1926.

Hon. MORRIS SHEPPARD,

Committee on Irrigation and Reclamation,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: I am inclosing a summary of the work done during 1925 in the State division of child hygiene in cooperation with the Children's Bureau, of Washington, D. C., under the Sheppard-Towner Act.

Our work has consisted of itinerant mother and child health conferences. At these conferences babies and children were examined by the local physician in the community in which the conferences were held. Defects were pointed out and advice was given. In all cases the baby or child was referred to its family physician. We furnish neither medicine nor prescriptions.

The mothers were instructed as to prenatal care, natal care, infant feeding, and child care. We also conducted permanent health conferences or centers. The field nurses also made home visits. This work consisted of instructing the mother in prenatal care and also in child care. Home visits were also made to see if any suggestions made at the conferences had been followed out.

There was also organized mothers' circles or groups, in which instruction in prenatal care was given.

There were 1,484 prenatal visits made, 6,615 children visited; there were 50 itinerant child and mother's health conferences held, at which



1,196 children were examined. There were 66 permanent health conferences conducted, at which 1,329 children were examined. There were 197 prenatal conferences conducted, at which there were 1,337 mothers in attendance. At the prenatal conference the mothers were instructed and demonstrations were made, but there were no physical examinations made.

Considering the great distances in Wyoming and the sparseness of the population the task of conducting these conferences and making these visits is considerable. We are sorry that we can not make a better showing, but I believe our work will compare reasonably well with other States when these factors are taken into consideration.

Very truly yours,

G. M. ANDERSON, M. D.,  
State Health Officer.

#### CLAIMS AGAINST THE GERMAN GOVERNMENT

Mr. KING. Mr. President, a few days ago I offered a number of resolutions, three of which I desire to have taken up to-day.

One of those resolutions is Senate Resolution 198, calling upon the Secretary of State to transmit to the Senate certain information, if not incompatible with the public interest. I have submitted it to the chairman of the Committee on Foreign Relations, the Senator from Idaho [Mr. BORAH], and he has no objection to it. I shall have it read if Senators desire.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Utah yield to his colleague?

Mr. KING. I yield.

Mr. SMOOT. Do I understand that this is agreed to and will lead to no debate?

Mr. KING. Yes.

Mr. SMOOT. In that case I have no objection to its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider Senate Resolution 198, submitted by Mr. KING on the 10th instant, which was read, as follows:

*Resolved*, That the Secretary of State transmit to the Senate, if not incompatible with the public interest, copies of all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of State and the Government of Germany respecting the settlement and payment of claims against the German Government for indemnification on account of destruction of life and property of American nationals subsequent to August 1, 1914, including the instructions given to Ambassador Kellogg, who represented the Department of State at the Paris Finance Conference, and also advise the Senate as to whether the State Department at the Paris conference, or otherwise, agreed that the United States should assume the burden of the payment of awards made in favor of American nationals against Germany and accept from Germany, in subrogation of the rights of its own nationals, annual installments of \$11,000,000 for the payment of private American awards and annual installments of \$12,000,000 in reimbursement of the costs of the American Army of Occupation of the Coblenz area on the Rhine and in payment of other Government claims, as representing the entire obligation of the German Government to the Government of the United States in the premises, and if the Secretary made such an agreement, to advise the Senate of the considerations which induced him to make the same.

Mr. CURTIS. Mr. President, has the Senator taken up the resolution with the chairman of the Committee on Foreign Relations?

Mr. KING. I submitted this resolution, as well as the companion one asking the Secretary of the Treasury to furnish similar information if he had any, to the chairman of the committee; and he advised me that it is all right, that he has no objection to it.

Mr. CURTIS. I have no objection.

Mr. SMOOT. I understand that the Secretary has no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. KING. Mr. President, the companion resolution calls upon the Secretary of the Treasury to furnish the correspondence which he may have had respecting the same matters mentioned in the resolution just passed. That resolution is numbered 199; and I ask to have it considered and acted upon at this time.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read Senate Resolution 199, submitted by Mr. KING on the 10th instance, and it was considered and agreed to by the Senate, as follows:

*Resolved*, That the Secretary of the Treasury transmit to the Senate all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of the Treasury and representatives of the German Government respecting the settlement and payment of American claims against Germany, together with a statement concerning all conferences and negotiations on the subject of such claims, to which he directly or indirectly has been a party, and to advise the Senate whether representatives of the Department of the Treasury, with his authorization, have carried on negotiations in Germany respecting the settlement and payment of such claims, and to report to the Senate any and all arrangements, recommendations, or agreements, which he has made in the premises, and the considerations which induced him to make the same.

#### PROPOSED PHILIPPINE MISSION

Mr. KING. I also ask unanimous consent to take up Senate Resolution 196 and have it acted upon.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read Senate Resolution 196, submitted by Mr. KING on the 9th instant, as follows:

Whereas it is reported that Carmi Thompson, Esq., of Ohio, has been appointed by the President, without authority of Congress and without the advice and consent of the Senate, to go to the Philippine Islands, accompanied by a staff and retinue of experts, investigators, and clerks, to make an investigation of conditions in the Philippine Islands and of the affairs of the Philippine Government and to report to the President upon the policy of the United States as affecting the political independence of the Philippine Islands; and

Whereas it is the exclusive function of Congress, under the Constitution, to determine the policy of the United States with respect to the Philippine Islands, and to make such investigations and visitations as it may deem advisable of the Territories and dependencies of the United States; and

Whereas Congress has made no provision for the payment of the expenditures of said Thompson and of his staff: Now, therefore, be it

*Resolved*, That the Secretary of the Treasury advise the Senate as to whether or not any funds in the Treasury are available for the payment of the expenses of said Thompson and his staff under any existing appropriation act; and if not, what funds of the Government are to be advanced or made available for the use of said Thompson and his staff in the premises?

Mr. CURTIS. Mr. President, if the Senator will eliminate the whereases, I have no objection to the adoption of the resolution.

Mr. KING. I shall defer to the wishes of my good friend, and the whereases may be stricken from the resolution as adopted.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. With the whereases eliminated, the question is on agreeing to the resolution.

Mr. KING. Of course, the whereases will appear in the RECORD.

The PRESIDING OFFICER. Without objection, the preamble will be stricken out.

Mr. KING. Of course, the preamble will appear in the RECORD of to-day's proceedings.

The PRESIDING OFFICER. It was read and will appear in the RECORD.

Mr. KING. As striking out the preamble necessitates a change in the resolution, I submit it in an amended form and ask for its adoption.

The resolution in its amended form was agreed to, as follows:

*Resolved*, That the Secretary of the Treasury advise the Senate as to whether or not any funds in the Treasury are available under any existing appropriation act for the payment of the expenses of an investigation of conditions in the Philippine Islands by Carmi Thompson, Esq., of Ohio, recently reported to have been appointed by the President of the United States to make such investigation, and his staff; and if no funds are available, what funds of the Government are to be advanced or made available for the use of said Thompson and his staff in the premises.

#### AMERICAN LEGION MUSEUM

Mr. BLEASE. Mr. President, on yesterday I objected to the consideration of a joint resolution of the Senator from Indiana [Mr. ROBINSON]. He had to go away this morning, and I told him that I would call up the joint resolution and withdraw my objection. It is important to him; and I request that the joint resolution be taken up at this time and passed.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Chief Clerk read the joint resolution (S. J. Res. 91) directing the Secretary of War to allot war trophies to the American Legion Museum, as follows:

*Resolved, etc.,* That the Secretary of War be directed to allot and deliver without cost to the United States, to the National Museum of the American Legion at its national headquarters, a representative collection of captured and surrendered war devices and trophies of the World War, to be selected from those war devices and trophies not otherwise allotted and accepted for distribution in accordance with law: *Provided*, That acceptance, shipment, and delivery shall be made within a reasonable time and under the laws and regulations, except as herein provided, that are now applicable to acceptance, shipment, and delivery of war devices and trophies to the States, Territories, possessions of the United States, and the District of Columbia.

Mr. BLEASE. It is just a little local matter.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THE CALENDAR

Mr. SMOOT. Mr. President, I had intended at this time to ask for a unanimous-consent agreement to vote upon the Italian debt settlement bill. I have been informed that the senior Senator from Missouri [Mr. REED] is engaged at some of the departments, and that it will be about 3 o'clock before he returns, and that he desires to be here when a unanimous-consent agreement on this subject is submitted. Of course, I shall respect that request. I now ask unanimous consent that the unfinished business be temporarily laid aside until 3 o'clock, and that we take up the calendar under Rule VIII and consider bills to which there is no objection until that time.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JONES of Washington. Beginning where, Mr. President?

Mr. SMOOT. Beginning where we left off the last time.

Mr. JONES of Washington. No; we got through with the calendar the other day. Why not begin with the calendar under Rule VIII, and, if there is an objection, take up the bill under Rule VIII?

Personally, I have no objection to the Senator's request, though I know that several Senators would prefer the course I have suggested. However, I will make no objection.

The PRESIDING OFFICER. Without objection, the request of the Senator from Utah is agreed to.

Mr. SMOOT. Mr. President, I now ask that Orders of Business 3, 4, 5, 6, 7, 8, and 30, being Senate bills 1134, 1135, 1136, 1137, 1138, and 1139, and House bill 6559, be passed over.

The PRESIDING OFFICER. Those measures will be passed over. The Secretary will state the next bill on the calendar.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Bayard	Fess	McKinley	Shortridge
Bingham	Fletcher	McLean	Simmons
Bleas	Frazier	McMaster	Smith
Borah	George	McNary	Smoot
Bratton	Gerry	Mayfield	Stanfield
Broussard	Gillett	Metcalf	Stephens
Bruce	Goff	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harrell	Norbeck	Tyson
Caraway	Harris	Nye	Wadsworth
Copeland	Harrison	Oddie	Walsh
Couzens	Heflin	Overman	Warren
Cummins	Howell	Phipps	Watson
Curtis	Johnson	Pine	Weller
Dale	Jones, N. Mex.	Pittman	Wheeler
Deneen	Jones, Wash.	Ransdell	Williams
Dill	Kendrick	Reed, Pa.	Willis
Edge	Keyes	Robinson, Ark.	
Ernst	King	Sackett	
Fernald	Lenroot	Sheppard	

Mr. PHIPPS. My colleague [Mr. MEANS] is absent on account of illness.

The PRESIDING OFFICER. Eighty-one Senators having responded, a quorum is present. The clerk will call the next number on the calendar.

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others, was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

#### REFUND OF TAXES

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. KING. Mr. President, if I may have the attention of the Senator from Missouri, I should like an explanation from the Senator as to what the effect of the bill would be, and what amount would probably be required to be paid from the Treasury to meet the claims which would be presented under this bill.

Mr. WILLIAMS. It is the purpose of the bill to extend the statute of limitations so as to cover this particular claim. About 95 per cent of these claims have already been paid. The reason the statute of limitations expired as to this claim was that a case was pending in the Supreme Court of the United States testing out the question, and during that test period, and before the Supreme Court had decided in favor of the contesting claimants, the statute of limitations was about to expire as to these claims. About 95 per cent of the claims have already been paid, and the report of the department shows that the claim ought to be paid. The only objection is that it ought to be covered by general legislation. By the same token, however, there are a great many individual claims which ought to be covered by general legislation to which such claims could be referable. I am satisfied of the propriety and the legality of the claim.

Mr. REED of Pennsylvania. The question that is raised by this bill is exactly the same question we were confronted with in two or three cases in the enactment of the tax bill which passed earlier in the session. In some of those cases the Senate declined to put in provisions similar to this, to allow persons to come in and bring suits for refunds who had slept on their rights until somebody else had succeeded in getting a favorable decision. I think the Senate ought to stop and consider whether it is wise to do this in particular cases of this sort, and not wipe out the whole statute of limitations in the tax bill.

Mr. WILLIAMS. I quite agree with the Senator from Pennsylvania that a serious question is raised by a bill like this; but I should like to ask the Senator from Pennsylvania a question—that is, when the Government of the United States obtains possession of money which does not belong to it, but does belong to an individual citizen of the United States, should it be permitted to keep that money?

Mr. REED of Pennsylvania. If it is not to be permitted to keep the money, then we ought to repeal all statutes of limitation.

Mr. WILLIAMS. I think the circumstances of this particular case make it one which is entitled to consideration, if any are to be considered.

Mr. REED of Pennsylvania. I do not believe we ought to act on particular matters of this sort without determining the general policy. At any rate, I think the bill had better go over for further consideration.

Mr. WILLIAMS. It has gone over so frequently I am very fearful that if it continues to go over we will never get any action either in this or in the other body. Bills similar to it were passed in the Sixty-sixth, the Sixty-seventh, and the Sixty-eighth Congresses.

Mr. REED of Pennsylvania. Provisions similar to it were stricken out of the tax bill which we passed earlier in the session.

Mr. WILLIAMS. The statute of limitations has been extended as to claims in like cases to enable the parties to bring claims of this kind to the only place where they can get relief.

Mr. REED of Pennsylvania. I know that; and yet there are dozens of other cases just as meritorious.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. REED of Pennsylvania. I object.

The PRESIDING OFFICER. The bill will be passed over, under the rule.

#### BILLS PASSED OVER

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that instead of proceeding to the consideration of this bill we consider House bill 7669, which is Order of Business No. 495. The House bill deals with exactly the same subject, and it



would save time if we were to deal with the House bill on the calendar rather than the Senate bill.

Mr. KING. Is there any difference between the bills?

Mr. WADSWORTH. There is no difference in the object to be achieved by the bills, if the Senator will permit me just a moment, but the House bill has been amended by the Committee on the District of Columbia to make it conform with the Senate bill.

Mr. LENROOT. The recommendations of the committee are the same in both cases?

Mr. WADSWORTH. The report of the committee is the same as to both bills.

Mr. KING. Let me see if I understand the Senator. The House passed a bill known as the Wadsworth bill?

Mr. WADSWORTH. No; the Keller bill. It is a bill in which I have been interested, but it is Mr. KELLER's bill.

Mr. KING. Textually it is the same as the bill introduced by the Senator from New York?

Mr. WADSWORTH. Yes; practically.

Mr. KING. The Senate committee has reported out a bill desired by the people of the District of Columbia and known as the Capper bill.

Mr. WADSWORTH. The Senate committee has reported the so-called Capper bill, and now has reported the Keller bill, amended to conform in its objective with the Senate bill.

Mr. COUZENS. What are the differences between the bill as originally passed by the House and as amended by the Senate committee?

Mr. KING. It is apparent that this bill will lead to considerable discussion—

Mr. WADSWORTH. I hope an objection will not be raised. I think the discussion may take place under the five-minute rule.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maryland?

Mr. WADSWORTH. I yield to the Senator from Maryland, if he desires to ask a question.

Mr. BRUCE. I have just come into the Chamber, and I simply wanted to say to the Senator from New York that if this matter involves a discussion of that special board which I understand to be treated by the bill of the Senator, I am very strongly opposed to the passage of the bill, and I would like to have an opportunity not only to discuss it but to discuss it most fully.

Mr. WADSWORTH. Does the Senator, then, intend to object to the consideration of the proposed legislation during this call of the calendar?

Mr. BRUCE. I do not care to do so, but I am bound to object.

The PRESIDING OFFICER. The bill will be passed over under the rule. Order of Business 188, Senate bill 1929, is still before the Senate for disposition.

Mr. KING. It is the same proposition. Let them both go over.

The PRESIDING OFFICER. The bill will be passed over.

#### BILLS, ETC., PASSED OVER

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over under the rule.

The bill (S. 1459) for the relief of Waller V. Gibson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### PENSIONS TO SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. KING. My colleague is necessarily absent from the Chamber for a few moments. I ask that the bill be temporarily passed over. He has some amendments he wishes to offer.

The PRESIDING OFFICER. The bill will be temporarily passed over.

#### BILLS PASSED OVER

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 2098) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. KING. The Senator who introduced that bill is not here. Let it be passed over until he returns to the Chamber.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 1897) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### HENRY T. WILCOX

The bill (S. 1747) for the relief of the estate of Henry T. Wilcox, was announced as next in order.

Mr. KING. Mr. President, I shall not object to this bill, but with my present information I shall feel constrained to vote against it, because I think it would set a very bad precedent. I shall ask the Senator to explain it.

Mr. EDGE. Mr. President, I appreciate the courtesy of the Senator from Utah in withholding his objection. This bill, as can be seen by the report submitted by the Senator from Nebraska [Mr. HOWELL], cuts down a claim of \$18,559, made by Henry T. Wilcox, in the Consular Service of the United States, to \$5,000, covering the full claim. The circumstances are, briefly, these:

Consul Wilcox during the war was ordered, on very short notice, to go to France. His household goods were taken over in a United States transport, as was frequently done and has been the custom for many, many years. A large proportion of those household effects were lost. They were valued, as I indicated, at over \$18,000. The officials of the State Department and other officials, as appears in the report, have all, without qualification, indorsed the claim. The Committee on Claims, however, after considering all the facts, decided to cut the figures from \$18,000 to \$5,000, which is less than one-third of the original claim. Upon the report of the committee I ask favorable action.

It does not seem to me that this would set a precedent. Such claims have been paid many times in cases of Government officials ordered on duty by the Government, and who had the privilege of using transports for the carriage of their furniture. In cases where the furniture has been lost or destroyed reimbursement has regularly been permitted. I recall that last year I introduced a bill to reimburse Admiral Jayne, whose goods were lost in circumstances exactly like those in this case.

The Senate passed it because there seemed to be no real fair reason why Admiral Jayne personally should suffer the loss. That is all the bill proposes to do in the present instance.

Mr. KING. Mr. President, I shall vote against the passage of the bill. I think it is a very unwise precedent, or, if it is not a precedent, it is a very unwise policy for the Government to adopt. There are hundreds of officers and officials and agents of the United States gallivanting around the United States and throughout the world. We have terrestrial peregrinations by hundreds of Government officials and officers and agents. If they may embark upon ships and boats and railroads with their household effects of the value of \$20,000 or \$30,000—the claimant asks \$18,000 in this case—and the Government be responsible for losses, for thefts, for the negligence, if there be negligence, upon the part of those transporting the same, then it seems to me we are introducing a very dangerous practice into the policies and administration of the Government.

Mr. EDGE rose.

Mr. KING. I anticipate what the Senator is about to say, and it does not change the rule because the Government orders a man who is in the Consular Service to go to a given point. Senators are ordered to come to Washington when the President convenes us. If a Senator were to send here \$20,000 worth

of furniture and it was lost by the railroads, should the Government be called upon to pay for it? So, manifestly, officials who go abroad under orders, being in the service of the Government, under the civil service, perhaps, taking household goods and jewels and property of great value, should not, if the ship sinks or theft occurs, call upon the Government to pay for the loss.

A prudent man would have his goods insured, and it is no excuse to say, "I was on a Government boat." The property carried upon Government boats is usually insured. Insurance companies are for that purpose. If individuals ship abroad \$20,000 or \$30,000 worth of furniture, I submit that the Government ought not to be called upon to meet the obligation in the event of theft or loss.

Mr. EDGE. Mr. President, I concede there is some justification for the opinion expressed by the Senator. I do not believe, however, that the officials should be the ones to suffer. I think the practice should be discontinued. The State Department is empowered to order him to go, and arranges the specific transportation, and his furniture naturally has to go with him. If it is a bad practice, and that is a debatable question, then instructions should go from the Congress to the heads of the Departments of State and War that they should not issue such orders.

Mr. KING. If I should take an examination and be made a consul and I should be ordered from place to place, does the Senator believe that I should understand that the Government was to be responsible for the furniture which I took with me? Many consuls take no furniture with them. The great majority of them take none. If rich men are appointed as ambassadors or ministers or consuls and elect to take their furniture from the United States, then they take the same at their own risk. The Government, I think, is too generous in permitting them to take it and not to pay freight for having the same carried, but theirs is the risk, and it is unjust to the Government to ask it to assume the risk.

Mr. EDGE. That has been the practice for many years, and just why this particular consul should in any way be punished would be rather inconsistent.

Mr. KING. I might add that if it is a just rule, then the man ought to be paid for his furniture even if it cost him \$100,000.

Mr. EDGE. I think he should; but in this case he will take what the committee allowed.

Mr. KING. Manifestly the committee did not find it was just, but as a sop to him, in violation, it seems to me, of every principle of justice, they gave him \$5,000. We have to consider these things as custodians of the public funds. We represent the public and not a mere official.

The bill was considered as in Committee of the Whole, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike "\$18,559" and insert in lieu thereof "\$5,000," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Henry T. Wilcox, American consul, Paris, France, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, for loss and damage to household effects while in transit to Brest, France, and Antwerp, Belgium, on board United States transports *Antigone* and *Mercury*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. COUZENS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3624) for the relief of Hannah Parker was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than

the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2043) to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes, was announced as next in order.

Mr. SACKETT. I will ask for the committee that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

#### ELIMINATION OF MICHIGAN AVENUE GRADE CROSSING

The bill (S. 2322) to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 11, after the word "company" to strike out the following proviso: "Provided further, That the said railroad company shall pay the District of Columbia for the lighting of the viaduct under which the tracks of the said railroad company will pass, in accordance with the provisions of existing law," so as to make the bill read:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a viaduct and approaches to carry Michigan Avenue over the tracks and right of way of the Baltimore & Ohio Railroad Co. in accordance with plans and profiles of said works, to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing the said viaduct and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company.

SEC. 2. That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until the said company shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the cost of said viaduct and approaches, which sum shall be deposited to the credit of the District of Columbia.

SEC. 3. That for the purpose of carrying into effect the foregoing provisions the sum of \$275,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia, and the said commissioners are authorized to expend such sum as may be necessary for personal services and engineering and incidental expenses. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land or any portion of same within the limits of Michigan Avenue as shown on the recorded highway plan, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation, in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia: *Provided, however*, That of the entire amount found to be due and awarded by the jury as damages for, and in respect of, the land to be condemned to carry the provisions of this act into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant hereto, not less than one-half thereof shall be assessed by the jury as benefits, the amounts collected as benefits to be covered into the Treasury of the United States, to the credit of the District of Columbia.

SEC. 4. That from and after the completion of the said viaduct and approaches the highway grade crossing over the tracks and the right of way of the said Baltimore & Ohio Railroad Co. at Michigan Avenue, in the District of Columbia, shall be forever closed against further traffic of any kind.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CONDEMNATION OF LAND FOR HIGHWAY SYSTEM, DISTRICT OF COLUMBIA

The bill (S. 2537) to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia,



and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in all condemnation proceedings instituted by the Commissioners of the District of Columbia in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia for the acquisition of land for the opening, extension, widening, or straightening of Piney Branch Road between Thirteenth and Batternut Streets; Thirteenth Street, extended, except through the Walter Reed Hospital Reservation; Concord Avenue; Nicholson Street, or any street, avenue, road, or highway, or a part of any street, avenue, road, or highway in accordance with the plan of the permanent system of highways for the District of Columbia, all or any part of the entire amount found to be due and awarded by the jury in said proceedings as damages for, and in respect of, the land condemned for such streets, avenues, roads, or highways, or parts of streets, roads, avenues, or highways, plus all or any part of the costs and expenses of said proceedings, may be assessed by the jury as benefits: *Provided, however,* That if the total amount of damages awarded by the jury in any such proceedings, plus the costs and expenses of said proceeding, be in excess of the total amount of benefits, it shall be optional with the Commissioners of the District of Columbia to abide by the verdict of the jury or, at any time before the final ratification and confirmation of the verdict, to enter a voluntary dismissal of the cause.

SEC. 2. That there is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary from time to time to pay the costs and expenses of the condemnation proceedings instituted under the authority of this act and for the payment of the amounts awarded as damages, the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia: *Provided, however,* That if the total amount of damages awarded by the jury in any such proceeding, plus the costs and expenses of said proceedings, be in excess of the total amount of assessments for benefits, such excess shall be paid out of the appropriation herein authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE M. DURKEE

The bill (S. 44) for the relief of Alice M. Durkee was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. Durkee, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

YVONNE THERRIEN

The bill (S. 45) for the relief of Yvonne Therrien was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Yvonne Therrien, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$300 in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

FERRYBOAT "OREGON"

The bill (S. 111) for the relief of the owners of the ferryboat *Oregon* was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of the owners of the ferryboat *Oregon* against the United States of America for damages alleged to have been caused by collision between the U. S. S. *Candy* and said ferryboat *Oregon* in the East River, at New York, N. Y., on or about the 24th day of February, 1916, may be sued for by the said owners of the ferryboat *Oregon* in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judg-

ment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said ferryboat *Oregon*, or against the owners of the said ferryboat *Oregon*, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. KING. Mr. President, I ask the Senator from Missouri [Mr. WILLIAMS] whether this is the bill to which his attention was called a few days ago and whether he has any amendment to offer to it.

Mr. WILLIAMS. I have no amendment to offer. The only suggestion I have to offer with reference to the bill is that the War Department contends that the accident was unavoidable on the part of the Government steamer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN STEAM TUG W. S. HOLBROOK

The bill (S. 116) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook* was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of the owners of the American steam tug *W. S. Holbrook*, and/or the receiver of said property, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Navy steam tug *Pentucket* on or about the 1st day of November, 1917, at the navy yard, Brooklyn, N. Y., may be sued for by the said owners and/or receiver in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steam tug *W. S. Holbrook* and/or receiver aforesaid, or against the owners of said American steam tug *W. S. Holbrook* and/or receiver of said vessel, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WOOSTER

The bill (S. 465) for the relief of William Wooster was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Wooster, out of any money in the Treasury not otherwise appropriated, the sum of \$1,806.53, for the payment in full of the claim of the said William Wooster, of Holbrook, Ariz., under a certain transportation contract of April 17, 1905, between the said William Wooster and the United States, for losses sustained by the said Wooster by reason of the negligence of the Government in the failure to deliver the goods for shipment.

Mr. KING. Mr. President, I would like to have an explanation of the bill from the Senator from Arizona.

Mr. CAMERON. A similar bill has passed the Senate and the House at various times. The man William Wooster had a contract with the Government of the United States to deliver a certain amount of tonnage of goods in August and September at Holbrook, Ariz., to be transported to Fort Apache.

Mr. KING. Will the Senator tell me the branch of the Government with whom the contract was made and whether the contract was in writing?

Mr. CAMERON. The contract was with the Quartermaster General's Department for the hauling of supplies for the troops at Fort Apache. As the Senator probably knows, the contract was let at 92 cents per 100 pounds, but the Government did not deliver the goods until wintertime, and it cost Mr. Wooster, the contractor, something over \$2 per hundred pounds to deliver the goods. He lost in the transaction, according to the statement of the War Department, over \$6,000. We have been



trying for a number of years to get the bill passed. It has passed the House on one or two occasions, but did not then pass the Senate. It passed the Senate last session, but did not pass the House. I think it is about time that the Government should pay Mr. Wooster the small amount of money which is carried by the bill, being only \$1,800, when as a matter of fact his loss was almost \$7,000 and occurred away back in 1895.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. CAMERON. Gladly.

Mr. KING. Was there any limitation as to the time within which the goods were to be delivered to him for hauling?

Mr. CAMERON. Yes; they were to be delivered to him in August and September. There is a long report from the War Department. They recommend payment of the claim, but say they have not the money with which to pay it and that the only way he can be paid is for the Congress to appropriate the money.

Mr. KING. There was a breach of contract upon the part of the War Department?

Mr. CAMERON. Absolutely.

Mr. KING. It employed this man to haul certain merchandise at a certain time and then failed to deliver the merchandise at that time, but months later delivered the merchandise, and at the time they did deliver it the weather conditions were such that it made the transportation very much more costly than if it had been transported in August and September at the time the contract provided. Are those the facts?

Mr. CAMERON. Yes; those are the actual facts.

Mr. KING. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HENRY A. KESSEL CO. (INC.)

The bill (S. 2848) to extend the time for institution of proceedings authorized under private law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.), was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That an extension of not more than four months from the date of the passage of this bill, for the time for institution of the proceedings authorized under private law 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.), be, and is hereby, authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CREDITS ALLOWED CERTAIN GOVERNMENT CONTRACTORS

The joint resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.,* That the General Accounting Office is hereby authorized in the discretion of the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918, and where said payments have been credited in the accounts of the respective disbursing officers pursuant to the provisions of an act entitled "An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts," approved April 21, 1922 (42 Stat. L. p. 497), as extended by the act approved February 11, 1925 (43 Stat. L. p. 8007).

Mr. KING. Mr. President, will the Senator from Connecticut [Mr. McLEAN] make an explanation of the joint resolution?

Mr. McLEAN. When we declared war, the War Department found itself in need of large quantities of Cavalry equipment—harness, saddles, and so forth. The War Department made contracts with the manufacturers, but shortly after some of the contracts were entered into the organized leather workers demanded a raise in wages. A commission was appointed to settle the question as to raise of pay or change in wage scale. An adjustment was made. Senators will find a copy of the adjustment printed on pages 1 and 2 of the report. Paragraph 5 of the adjustment reads as follows:

In the event that any changes in wage scale are made or approved by the commission—

That is, the commission appointed to adjust the matter—

in carrying out its functions under this agreement, compensatory adjustments shall be made by the United States in accordance with the recommendations of the commission.

This adjustment was printed in some contracts and in some of them it was not. Some of them were entered into before the demand for the increase in wages was made. The department settled the claims in accordance with this provision. These claimants already have their money. The bill merely provides that they shall keep it. It is declared by the Comptroller General, Mr. McCarl—in fact, he is the author of the bill—that, as all of these contractors are precisely on the same basis, there seems to be no possible reason why they should not be treated alike.

Mr. KING. Mr. President, what amount is involved?

Mr. McLEAN. About \$15,000. They already have their money; but the Comptroller General says that unless this bill shall be passed he will have to start some proceedings to get it back. He thinks, however, that they ought to keep the money, and he approves of this bill.

Mr. KING. The bill does not relate to any cases in future?

Mr. McLEAN. No; the cases are all stated in the report.

Mr. KING. It simply legalizes illegal payments which have heretofore been made?

Mr. McLEAN. I do not agree with the Senator with regard to that.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### J. W. NEIL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 179) for the relief of J. W. Neil, which had been reported from the Committee on Claims, with amendments on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated, to"; and in line 6, after the words "sum of," to strike out "\$8,537.48" and to insert "\$7,947.53," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of \$7,947.53 as compensation for and in full satisfaction of any claim such J. W. Neil may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HELEN M. PECK

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 466) for the relief of Helen M. Peck. It proposes to pay Helen M. Peck \$230.50 in full satisfaction of all claims for damages sustained on January 20, 1921, through the loss of two horses and two packsaddles while in the use of the National Park Service at Grand Canyon National Park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOSEPH B. TANNER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 467) for the relief of Joseph B. Tanner, which had been reported from the Committee on Claims with an amendment on page 1, line 3, to strike out the words "That the sum of \$250 be paid to Joseph B. Tanner, of Shiprock, N. Mex.," and to insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph B. Tanner, of Shiprock, N. Mex., out of any money in the Treasury not otherwise appropriated, the sum of \$250," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph B. Tanner, of Shiprock, N. Mex., out of any money in the Treasury not otherwise appropriated, the sum of \$250, for reimbursement of the amount forfeited by him for nondelivery at the Navajo Springs Indian Agency, Colo., of 385 head of 2-year-old heifers of Hereford blood, and 15 bulls not less than three-fourths Hereford blood, 2-year-olds and 3-year-olds, the sum in question having been deposited by him in the form of a certified



check guaranteeing the performance of his contract to deliver these animals, which check was forfeited to the Government on account of his failure to make delivery under his agreement through a misunderstanding of the true meaning and intent of his contract as between the said Tanner and the inspecting official representing the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARGARET RICHARDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1155) for the relief of Margaret Richards. It proposes to pay to Margaret Richards, of Little Rock, Ark., \$5,000 for injuries sustained while en route to Camp Pike to participate in an entertainment for convalescent soldiers on May 6, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 1450) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let that bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. KING. I should like an explanation of the bill, Mr. President; otherwise I shall ask that it go over.

Mr. WILLIAMS. Mr. President, just one moment.

Mr. CAPPER. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2192) for the relief of Ella H. Smith was announced as next in order.

Mr. KING. Let that bill go over for the present.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 769) for the relief of the estate of Benjamin Braznell was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

#### ELIZABETH B. EDDY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 102) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy. It proposes to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., \$602.92.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ANNIE H. MARTIN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 767) for the relief of Annie H. Martin. It proposes to pay to Annie H. Martin, of Carson City, Nev., \$545.02 to enable her to make payment of a liability incurred by her as acting assayer in charge, United States Mint, Carson City, Nev., for losses in operating on bullion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HUNTER-BROWN CO.

The bill (S. 1304) for the relief of Hunter-Brown Co. was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

#### WILLIAM HENSLEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1451) for the relief of William Hensley. It proposes to pay to William Hensley \$1,500, in full payment for injuries sustained by him while in the discharge of his duties at the navy yard, Washington, resulting in the loss of three fingers of his right hand, loss of his left eye, and other injuries incurred by him in the line of duty.

Mr. KING. Mr. President, I merely wish to ask one question. Why does not Mr. Hensley receive compensation under the general compensation act instead of it being proposed that he shall receive it through a special bill?

Mr. CAPPER. He does not seem to be entitled to compensation under the general compensation act; but the Secretary of the Navy seems to report favorably on the bill. Similar bills have received several favorable reports in Congress and have been passed by the Senate several times.

Mr. KING. I was not objecting, but I was wondering why application was not made for relief under the general compensation law.

Mr. CAPPER. I am unable to give the Senator further information on the subject. It is a worthy claim, and I think it ought to be passed. As I have stated, it has heretofore passed the Senate a number of times.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES E. FITZGERALD

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2200) for the relief of James B. Fitzgerald, which had been reported from the Committee on Claims with an amendment in line 5, before the name "Fitzgerald," to strike out the initial "E" and to insert "B," so as to make the bill read:

*Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to James B. Fitzgerald, a former employee in the Postal Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.*

The amendment was agreed to.

Mr. KING. Mr. President, I am unfamiliar with the bill, but I see in the report of the committee this statement, which is taken from a previous report on the bill:

The Post Office Department reports that Mr. Fitzgerald "was not entitled to benefit under the act of March 9, 1914, by reason of the fact that he was not in the absolute performance of his official duties when the accident occurred."

I shall have to ask that the bill go over. If Mr. Fitzgerald was not performing his official duties when the accident occurred, then, of course, he was not entitled to compensation.

The PRESIDING OFFICER. The bill goes over on objection.

#### MARK J. WHITE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2242) for the relief of Mark J. White. It proposes to pay to Mark J. White, an officer of the United States Public Health Service, Treasury Department, \$163.75, representing a judgment for costs assessed against him by the Supreme Court of the United States on December 10, 1923, in case No. 172, October term, 1923, growing out of the case of William Leather et al. against White et al. for the recovery of certain real estate in the custody of the said Mark J. White as an official of the United States.

Mr. KING. Let us have an explanation of the bill or let the report be read.

Mr. CAPPER. Mr. President, this is a bill which was sent to the Committee on Claims by the Secretary of the Treasury. It has been submitted to the Bureau of the Budget. It is a worthy measure, and grows out of the case of William Leather et al. against White et al. for the recovery of certain real estate in the custody of White as an official of the United States.

The Secretary of the Treasury, in a letter to the committee under date of January 3, 1925, in regard to this case, says:

The necessity for this item of legislation arises by reason of the fact that Dr. Mark J. White, now an assistant surgeon general of the Public Health Service and formerly in charge of the hospital of that service at Maywood, Ill., was made a defendant in the legal action brought by the plaintiffs in the District Court of the United States for the Northern District of Illinois, eastern division, on June 24, 1921, for the purpose of recovering possession of the hospital property then under the official custody of this office.

Doctor White was represented by official counsel, and it is the understanding of this department that at some stage in the proceeding an appeal on a jurisdictional point was taken by the Government from the district court to the United States Circuit Court of Appeals for the Seventh District and finally to the Supreme Court of the United States. The decision of this latter court under date of December 10, 1922, was unfavorable to the contention of the Government, and by its mandate of that date costs were assessed against the defendant.

Doctor White had no personal interest in the case whatever; it was a Government case, and now the Secretary of the Treasury asks that he may be reimbursed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## THE ROYAL HOLLAND LLOYD

The bill (S. 2992) for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands, was announced as next in order.

Mr. KING. I should like to ask the Senator from New York [Mr. WADSWORTH] a question as to the bill.

Mr. WADSWORTH. I am not familiar with the bill.

The PRESIDING OFFICER. The bill will go over under the rule.

## REMISSION OR DEDUCTIONS OR FINES UPON MAIL CONTRACTORS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3429) authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service, which was read, as follows:

*Be it enacted, etc.,* That section 266 of the act of June 8, 1872, chapter 335 (17 Stat. p. 315), Revised Statutes 3962, is amended to read as follows:

"The Postmaster General may make deductions from the pay of contractors for failures to perform service according to contract and impose fines upon them for other delinquencies (which deductions or fines may be changed or remitted in his discretion). He may deduct the price of the trip in all cases where the trip is not performed, and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier."

Mr. KING. Mr. President, will the Senator from New Hampshire briefly explain this bill and state how much will be involved?

Mr. MOSES. Mr. President, it would be impossible to say how much will be involved, but this bill arises out of the peculiar conditions which have grown up in the mail service, particularly in the State of Florida, where the increase in the bulk of the mails is such that the contractors who are carrying on what is now known as the screened wagon service, with which, of course, the Senator from Utah is familiar, and certain of the star-route contractors find themselves absolutely unable to perform the service which the increase in the volume of the mail demands, and in consequence of that they have in many cases been compelled to default in the service, greatly to the detriment of the progress of the mails. This measure is designed to give the Postmaster General authority to inquire into conditions which may arise in like circumstances.

I will say to the Senator from Utah that under the terms of this bill the authorization to the Postmaster General to inquire into these contracts and readjust them will not demand any added appropriation of public money. The cost, whatever it may be, can readily be cared for out of the appropriations already made, so that it entails neither an increase in the estimates nor an increase in the appropriations.

Mr. KING. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ST. JOSEPH'S MALE ORPHAN ASYLUM, DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3012) to change the name of "The Trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same, which was read, as follows:

*Be it enacted, etc.,* That the act of Congress incorporating "The Trustees of St. Joseph's Male Orphan Asylum," approved on the 6th day of February, in the year 1855, be, and it hereby is, amended as follows:

"The name of said corporation shall be St. Joseph's Home and School.

"Sec. 2. The purpose of said corporation shall be to care for and educate orphan, indigent, and other male children under 18 years of age under such rules and regulations as it may adopt.

"Sec. 3. All property now vested in The Trustees of St. Joseph's Male Orphan Asylum as incorporated as aforesaid is hereby vested in and confirmed to St. Joseph's Home and School as reincorporated by this act. Said corporation shall have power to acquire, hold, and convey such real estate as it may deem proper for its said purposes and to hold such personal property as it may use, or use the income from, for said purposes, and to take and hold real estate and personal property by grant, devise, or bequest: *Provided*, That any real estate granted or devised to it and not used for its corporate purposes shall be sold and conveyed away within five years after the date of such devise.

"Sec. 4. William H. DeLacy, John J. Earley, B. Francis Saul, James P. Shea, Henry W. Sohon, Cornelius F. Thomas, and Francis R. Weller are hereby constituted and confirmed as the said corporation and as trustees to manage the said corporation. When a vacancy occurs in their number they may fill such vacancy, and they may increase or diminish their number from time to time as they may deem expedient.

They shall elect a president, a secretary, and a treasurer from their number, adopt a corporate seal, and make all needful by-laws and rules and regulations for the institution to be conducted by said corporation.

"Sec. 5. Sections 3 and 4 of said act of Congress approved on the 6th day of February, 1855, and all parts of said act inconsistent with this act are hereby repealed.

"Sec. 6. The right is reserved to alter, amend, or repeal this act."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## HARRY ROSS HUBBARD

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 869) for the relief of Harry Ross Hubbard. It directs the Comptroller General of the United States to credit the accounts of Harry Ross Hubbard, lieutenant (junior grade), United States Navy, with \$942.25, disallowed in item 5 of statement of differences, certificate No. N-1379-E, dated May 6, 1922.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (S. 945) for the relief of Gershon Bros. Co. was announced as next in order.

Mr. JONES of Washington. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over under the rule.

The bill (S. 2981) to amend section 553 of the Code of Law for the District of Columbia was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will go over under the rule.

## PENSIONS AND INCREASE OF PENSIONS

The bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes was announced as next in order.

Mr. KING. Mr. President, I ask unanimous consent, in view of the fact that a certain bill to which I shall call attention in a moment was to have been taken up yesterday morning and again this morning if we had had an opportunity to proceed with the consideration of the calendar, that we now take it up out of order.

Mr. MOSES. What is the bill?

Mr. KING. It is a bill relating to the height of buildings in the District of Columbia.

The PRESIDING OFFICER. The Chair will ask if objection was made to Senate bill 3300.

Mr. NORBECK. Mr. President, I will object.

The PRESIDING OFFICER. The bill will go over under the rule.

Mr. MOSES. Wait a moment, Mr. President. To what bill is the Senator from South Dakota objecting?

Mr. NORBECK. I was objecting to the request presented by the Senator from Utah [Mr. KING].

Mr. MOSES. The Senator is not objecting to the consideration of Order of Business No. 287, being Senate bill 3300?

Mr. NORBECK. No.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 3300?

Mr. KING. Mr. President, was the bill passed by the House?

Mr. MOSES. This is the Senate bill.

Mr. SMITH. Is not this the identical bill that passed the House—House bill 8132?

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. SMITH. My impression is that it is. If that be the case, that bill passed the House without a dissenting vote; and if the bills are identical we could substitute the House bill for the Senate bill and expedite the whole matter.

The PRESIDING OFFICER. Does the Senator make that suggestion?

Mr. SMITH. I should like to know from the chairman of the committee whether or not these bills are identical.

Mr. NORBECK. They are identical, and they are both on the calendar.

The PRESIDING OFFICER. The Chair is advised that they are identical.



Mr. SMITH. Then I move to substitute the House bill for the Senate bill, and let us vote upon that.

Mr. KING. Let it be read.

The PRESIDING OFFICER. Without objection, House bill 8132 will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, which had been reported from the Committee on Pensions, with an amendment in the nature of a substitute.

Mr. KING. I ask to have the bill read textually, please.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk proceeded to read the bill as proposed to be amended.

Mr. JONES of Washington. Mr. President, are we actually considering this bill now? I thought we were substituting the House bill for the Senate bill.

Mr. SMITH. This is the House bill, which we have substituted for the Senate bill.

Mr. JONES of Washington. Then we have already substituted it for the Senate bill?

Mr. SMITH. Yes.

Mr. JONES of Washington. Then the House bill is before the Senate?

The PRESIDING OFFICER. The House bill is before the Senate; the amendment is being read, and the question is on agreeing to the amendment.

Mr. SHORTRIDGE. Mr. President, I desire to be assured by the chairman of the Senate committee that this substituted bill, coming to us from the House, is in harmony with and the same as the Senate bill which has been reported to the Senate.

Mr. NORBECK. It is exactly the same, keeping in mind the fact that the Senate bill was amended in the Senate committee. When the House bill came over, similar amendments were made to it. I desire to state further that there were no material changes in the rates from those fixed by the House; but the retroactive features were struck out, and a good many things were eliminated that will reduce the cost considerably from the cost under the House bill.

Mr. McKELLAR. Mr. President, if the House bill is substituted for the Senate bill then there is just one amendment, and it will all be agreed to at one time; will it not?

The PRESIDING OFFICER. That is true. The question is on agreeing to the Senate committee amendment to the House bill.

Mr. SMOOT. Mr. President, I understood that a request was made to read the House bill as it would read if the amendment were adopted.

The PRESIDING OFFICER. That is correct.

Mr. SMOOT. Only part of it has been read. The Secretary stopped reading at the word "pensioners" in line 8, page 2, of the Senate bill. They are identical as far as the Secretary read, but he has not read any further than that.

Mr. SMITH. As I understood, the request was that the text of the bill be read. Was not that the request of the Senator from Utah?

Mr. KING. Yes; that the text be read.

The PRESIDING OFFICER. The Secretary is reading the Senate amendment in the nature of a substitute for the House bill, and will continue to read.

Mr. SMOOT. What I desire to do is to follow the Senate bill with the House bill, so that I can see what changes were made and whether they are identical.

The Chief Clerk resumed and concluded the reading of the amendment in the nature of a substitute, which, entire, is as follows:

That all persons who served 90 days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$50 a month and not less than \$20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each

and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$20 a month; in case such person has reached the age of 68 years, \$30 a month; in case such person has reached the age of 72 years, \$40 a month; and in case such person has reached the age of 75 years, \$50 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for 90 days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of 90 days because of disability, contracted by her while in the service in line of duty.

Sec. 2. The widow of any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and that all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service in line of duty, such widow having married such soldier, sailor, or marine prior to September 1, 1922, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll at the rate of \$30 a month during her widowhood. And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described and who was honorably discharged, or died in service due to disability or disease incurred in the service in line of duty, such widow having remarried either once or more after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands or by divorce on any ground except adultery on the part of the wife and any such former widow shall be entitled to and be paid a pension at the rate of \$30 a month, and any widow or former widow mentioned in this section shall also be paid \$6 a month for each child under 16 years of age of such officer or enlisted man, and in case there be no widow or one not entitled to pension under any law granting additional pension to minor children the minor children under 16 years of age of such officer or enlisted man shall be entitled to the pension herein provided for the widow and in the event of the death or remarriage of the widow or forfeiture of the widow's title to pension the pension shall continue from the date of such death, remarriage, or forfeiture to such child or children of such officer or enlisted man until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter granted under this or any former statute: *Provided further*, That when a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or former widow shall not be entitled to a pension under this act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow payment of pension to such child or children shall cease, and this proviso shall apply to all claims arising under this or any other law.

Sec. 3. Any soldier, sailor, or marine or nurse now on the pension roll or who may be hereafter entitled to a pension under the act of June 5, 1920, or under that act as amended by the act of September 1, 1922, or under this act on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$72 a month, provided such disabilities are not the result of his or her own vicious habits: *And provided further*, That no one while an inmate of the United States Soldiers' Home or of any national or State soldiers' home shall be paid more than \$50 per month under this act.

Sec. 4. That the pension or increase at the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act, except where otherwise herein provided; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act,

such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 5. Nothing contained in this act shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided by the act of April 27, 1916, but any pension or increase of pension herein provided for shall be in addition thereto, and no pension heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

SEC. 6. No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed for such service in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall, directly or indirectly, otherwise contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, which has just been read by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. CURTIS. I ask for a yea-and-nay vote on the passage of the bill.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON], who is absent. If he were present, he would vote "yea," as I intend to vote. I therefore am permitted to vote, and I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the Senator from Massachusetts [Mr. BUTLER] and will vote. I vote "yea."

Mr. PHIPPS (when Mr. MEANS's name was called). My colleague [Mr. MEANS] is absent on account of illness. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). The senior Senator from Pennsylvania [Mr. PEPPER] is necessarily absent. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], and I am told that if present he would vote as I intend to vote. I therefore vote "yea."

The roll call was concluded.

Mr. COPELAND. The junior Senator from New Jersey [Mr. EDWARDS] is absent on official business. If he were present, he would vote "yea."

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is detained by illness.

Mr. DALE. If my colleague [Mr. GREENE] had not been unavoidably detained, he would have voted "yea."

Mr. HARRELD. Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The VICE PRESIDENT. He has not voted.

Mr. HARRELD. I understand that if the Senator from North Carolina [Mr. SIMMONS] were present he would vote "yea." Therefore, I am permitted to vote, and I vote "yea."

Mr. HOWELL. I wish to state that my colleague [Mr. NORRIS] is absent from the city. If present, he would vote "yea."

I also desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained. If he were present, he would vote "yea."

Mr. ROBINSON of Arkansas. The senior Senator from Rhode Island [Mr. GERRY] is necessarily absent. If present, he would vote "yea."

I have a general pair with the senior Senator from Illinois [Mr. MCKINLEY]. I am informed that if present he would vote "yea." Therefore I am permitted to vote, and I vote "yea."

The senior Senator from Missouri [Mr. REED] is also necessarily absent. If he were present, he would vote "yea."

I also desire to announce that the junior Senator from Iowa [Mr. STECK] is necessarily absent. If present, he would vote "yea."

Mr. FESS. The junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. If present, he would vote "yea."

Mr. FLETCHER (after having voted in the affirmative). I failed to announce that I have a general pair with the Senator from Delaware [Mr. DU PONT]. According to my information, if present the Senator from Delaware would vote "yea." Therefore I will allow my vote to stand.

Mr. BRATTON. The senior Senator from New Mexico [Mr. JONES] is necessarily absent on account of illness. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the senior Senator from Massachusetts [Mr. BUTLER], the junior Senator from Massachusetts [Mr. GILLET], the junior Senator from Delaware [Mr. DU PONT], and the junior Senator from Idaho [Mr. GOODING] are necessarily absent. If present, they would vote "yea."

Mr. WATSON. If my colleague [Mr. ROBINSON of Indiana] were present, he would vote "yea." He is unavoidably detained from the Senate.

Mr. SHEPPARD. The junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained. If he were present, he would vote "yea."

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is necessarily absent. If present, he would vote "yea."

Mr. HARRIS. I desire to announce that my colleague [Mr. GEORGE] is necessarily detained on business of the Senate. If he were present, he would vote "yea."

The result was announced—yeas 72, nays 0, as follows:

#### YEAS—72

Ashurst	Ernst	McKellar	Sheppard
Bingham	Fernald	McLean	Shipstead
Blease	Ferris	McMaster	Shorridge
Borah	Fess	McNary	Smith
Bratton	Fletcher	Metcalf	Smoot
Broussard	Frazier	Moses	Stanfield
Bruce	Goff	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harrell	Nye	Trammell
Caraway	Harris	Oddie	Tyson
Copeland	Harrison	Overman	Wadsworth
Couzens	Hefflin	Phipps	Walsh
Cummins	Howell	Pine	Warren
Curtis	Johnson	Pittman	Watson
Dale	Jones, Wash.	Ransdell	Weller
Deneen	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ark.	Williams
Edge	Lenroot	Sackett	Willis

#### NAYS—0

#### NOT VOTING—24

Bayard	Gillett	La Follette	Reed, Mo.
Butler	Glass	McKinley	Robinson, Ind.
du Pont	Gooding	Mayfield	Schall
Edwards	Greene	Means	Simmons
George	Jones, N. Mex.	Norris	Steck
Gerry	King	Pepper	Underwood

So the bill was passed.

Mr. BAYARD subsequently said: Mr. President, I was attending a conference when the vote was taken on H. R. 8132, the Spanish War veterans' pension bill. Had I been present, I would have voted in the affirmative.

Mr. SWANSON. My colleague [Mr. GLASS] is necessarily absent from the city.

Mr. SMOOT. I ask that Senate bill 3300 be indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate bill 3300 will be indefinitely postponed.

Mr. WADSWORTH. I ask that the indefinite postponement of the Senate bill be delayed, and that the bill be left upon the calendar.

Mr. SMOOT. It is identical with the bill which has just passed the Senate.

Mr. WADSWORTH. I know that it is, but the House has not concurred in the Senate amendment.

Mr. SMOOT. Of course, but if they do not, then they would not agree to the Senate bill.

Mr. WADSWORTH. It might be possible to take up the Senate bill, under that unusual set of circumstances, and



legislate with that in mind. I merely ask that it be allowed to remain on the calendar.

Mr. SMOOT. I have no objection to that.

The VICE PRESIDENT. Is there objection? Without objection, the action indefinitely postponing Senate bill 3300 is reconsidered.

Mr. WADSWORTH. Let it remain on the calendar.

The VICE PRESIDENT. The bill will remain on the calendar, and will be passed over.

JAMES B. FITZGERALD

Mr. CARAWAY. I ask unanimous consent to return to Order of Business No. 273, Senate bill 2200, for the relief of James B. Fitzgerald. The junior Senator from Utah [Mr. KING] objected a moment ago, but he has informed me that he wants to withdraw his objection.

The VICE PRESIDENT. The bill has been considered as in Committee of the Whole, and a certain amendment has been made to it. The question now is, Shall the bill be reported to the Senate?

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James B. Fitzgerald."

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. WALSH subsequently said: May I inquire what disposition was made of Senate bill 1618?

The VICE PRESIDENT. It went over under objection.

Mr. WALSH. I should like to inquire of the Senator from Kansas [Mr. CAPPER] if it is his purpose to press for the consideration of that measure, generally known as the "truth in fabrics" bill?

Mr. CAPPER. I understand that to-day we are considering only unobjected bills on the calendar. I do intend to ask for a vote on the measure known as the "truth in fabrics" bill. It is one farm relief measure on which every farm organization in the country is united, proposing legislation such as is recommended by the Committee on Interstate Commerce. I hope to have a vote on the measure before the present session is ended.

Mr. WALSH. I express the hope that the Senator will be insistent upon the consideration of the measure by the Senate. The subject has been before the Congress for a great many years, and a similar measure has come before us often. It ought to have a hearing before the Senate.

Mr. CAPPER. At the first opportunity offered I shall seek to have the bill taken up.

POTASH DEPOSITS

The bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. SMITH. Mr. President, I think this is a matter of such importance, there is such a necessity of ascertaining the fact as to matters which have been considered by the Committee on Agriculture of importance to agricultural interests, that this bill should be passed.

Mr. WILLIAMS. I suggested that it go over because there appears to be no concurrence by the Department of Agriculture and no report from them.

Mr. SMITH. I understand that the Department of Agriculture has recommended this legislation. The Geological Survey has indicated that there are large deposits of potash in our country, and we want to ascertain all the facts in reference to them, because we are wholly dependent upon Germany. This is to authorize these departments to make investigations and to report as to the facts pertaining to this subject. I think the bill ought to be passed.

Mr. WALSH. I express the hope that no objection will be urged to the consideration of this measure.

Mr. WILLIAMS. I offer no objection.

The bill was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That there be, and hereby is, authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$550,000 for the fiscal year ending June 30, 1926, and a similar amount for each succeeding fiscal year for four years, to be expended jointly in the proportion above mentioned, by the United States Geological Survey and the Department of Agriculture, respectively, for the purpose of determining the location and extent of potash deposits in the United States and new and improved methods of recovering potash from other substances: *Provided*, That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior shall enter into a contract with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, in the event that commercial amounts of potash or other valuable minerals are discovered, for reimbursement to the United States of not more than the actual cost of the exploration, and this claim for reimbursement shall constitute a preferred claim against any minerals developed and against any enhanced values due to the discovery of mineral in the land: *Provided further*, That such contract shall not restrict the Secretary of the Interior in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and the United States shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work: *Provided further*, That before such drilling be commenced the owners of the land lying within a radius of 10 miles of the proposed well, in consideration of the great increase in value to their land incident to any discovery of potash and in order to prevent profiteering, be required to enter into an agreement whereby the Department of the Interior is empowered to act as referee in determining the maximum price at which the potash rights of such land can be sold, and, furthermore, that the purchasers of such rights, in consummating the purchase and in consideration of the advantage accruing from an equitable price for such rights as effected by the said department, be required to enter into an agreement whereby the potash obtained by them shall be marketed at a price not in excess of a maximum determined by the department as equitable, and, furthermore, from the net profits of such sales shall pay to the Government 10 per cent per annum until the Government shall have been reimbursed for the expenditure incurred in the exploration of the deposits in point.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The Committee on Agriculture and Forestry reports as an amendment that the preamble be stricken out.

The amendment was agreed to.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 6773.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. McKELLAR. Mr. President, I desire to read a telegram at this time.

NEW YORK, N. Y., April 14, 1926.

Senator McKELLAR,

United States Senator from Tennessee,

Senate Chamber, Washington, D. C.

Five thousand Italian-Americans at a mass meeting in New York City under the auspices of the Anti-Fascist League of North America wish to congratulate you on your attitude against Mussolini and Fascism. Fascism must not be confounded with the Italian people. It is a murderous, autocratic, and coercive band of brigands which has destroyed law and order, liberty and democracy, and has placed 42,000,000 of liberty-loving people in abject slavery by threats, castor-oil beatings, and murder. America, whose traditions are freedom and democracy, should have nothing to do with Mussolini and his henchmen who are the antithesis of American ideals. We trust that your conferees in the United States Senate will follow your example, thus preparing the ground for a new Italy whose government we hope will soon be one for the people and by the people.

CHARLES FAMA, M. D.,

236 East Two hundredth Street, New York City.

Mr. SMOOT. Mr. President, I submit the following unanimous-consent agreement.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

*Ordered, by unanimous consent,* That on the calendar day of Saturday, April 17, 1926, at not later than 2 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 15 minutes upon the bill, or more than once or longer than 15 minutes upon any amendment offered thereto; and that when the Senate concludes its business on Friday, April 16, it recess until Saturday, April 17, at 12 o'clock m.

The VICE PRESIDENT. Under the rule the clerk will call the roll to establish the fact that a quorum is present.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Sackett
Bingham	Fernald	McLean	Sheppard
Blease	Ferris	McMaster	Shortridge
Borah	Fess	McNary	Smith
Bratton	Fletcher	Metcalf	Smoot
Broussard	Frazier	Moses	Stanfield
Bruce	Gillett	Neely	Stephens
Cameron	Goff	Norbeck	Trammell
Capper	Hale	Nye	Tyson
Caraway	Harreld	Oddie	Wadsworth
Copeland	Harris	Overman	Walsh
Couzens	Heflin	Philpps	Warren
Cummins	Howell	Pine	Watson
Curtis	Johnson	Pittman	Weller
Dale	Jones, Wash.	Ransdell	Wheeler
Deneen	Kendrick	Reed, Mo.	Williams
Dill	Keyes	Reed, Pa.	Willis
Edge	Lenroot	Robinson, Ark.	

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, the secretary of the Senator from Missouri [Mr. REED] has just notified me that the Senator is on the way from one of the departments. I understood that he would be here at 3 o'clock and that is the reason why I asked that the unfinished business be laid aside until that hour. His clerk informs me that he will not be here for about 10 minutes. I therefore ask unanimous consent to withdraw the unanimous-consent proposal at this time, and that we proceed to the consideration of unobjected bills on the calendar where we left off, until the Senator from Missouri arrives in the Chamber.

Mr. BORAH. Mr. President, may I make a suggestion to the Senator from Utah? I suggest that he modify his unanimous-consent request.

Mr. SMOOT. In what way?

Mr. BORAH. So that we shall vote at 4 o'clock on Saturday and that each Senator shall have 30 minutes on the bill to use as he chooses.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. Certainly.

Mr. ROBINSON of Arkansas. This morning when the subject was first mentioned and the proposal was made to try to reach some sort of an agreement, it was found that one Senator at least would have to leave here shortly after 2 o'clock on Saturday afternoon and he was very anxious that the vote should be taken before leaving. It was then proposed to carry the matter over until Monday when four other Senators announced that they would be compelled to be away on Monday and they would therefore object to any arrangement to have it go over to Monday.

I merely state this in order to show the reason for seeking to agree to vote at 2 o'clock on Saturday. There is no desire on the part of anyone to cut off debate. I myself would like to see the debate continue as long as anyone wants to speak, but it will be necessary to consult the convenience of Senators who find it necessary to leave.

Mr. BORAH. I should not want to interfere with the Senator, who, I understand, must go away at 2 o'clock.

Mr. ROBINSON of Arkansas. I was willing to vote at 2 o'clock for that reason, to serve the convenience of Senators who had told me they were compelled to leave immediately after that hour. I have no objection to meeting even at 10 o'clock on Saturday.

Mr. SMOOT. I am perfectly willing to meet at 10 o'clock or 11 o'clock on Saturday. If we meet at 10 o'clock, it would give four hours for debate, but there are two Senators who must leave, as they have said, not later than 2 o'clock on Saturday.

Mr. REED of Missouri entered the Chamber.

Mr. SMOOT. Inasmuch as the Senator from Missouri [Mr. REED] has just entered the Chamber, I withdraw my request to postpone the unanimous-consent proposal.

Mr. REED of Missouri. Mr. President, I have no desire to obstruct the business of the Senate. I regard this proposal as a species of intolerable grand larceny. I intend to resist it by every means in my power, and I shall object to the proposed unanimous-consent agreement.

Mr. SMOOT. I see no other course to pursue than to proceed with the consideration of the unfinished business.

Mr. BORAH. Mr. President, while Senators are seeking to come to an agreement as to the time to vote on the Italian debt settlement bill, I shall occupy a little time with a discussion of the proposed amendment to the Volstead Act.

Mr. SMOOT. Mr. President, will the Senator from Idaho yield before he proceeds further?

Mr. BORAH. Certainly.

Mr. SMOOT. I desire to resubmit the unanimous-consent agreement changed to read as follows:

*Ordered, by unanimous consent,* That on the calendar day of Wednesday, April 21, 1926, at not later than 2 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 15 minutes on the bill, or more than once or longer than 15 minutes upon any amendment offered thereto; and that when the Senate concludes its business on Tuesday, April 20, it recess until Wednesday, April 21, at 12 o'clock m.

Mr. WATSON. Mr. President, may we have the proposed agreement reported from the desk in order that all may hear it?

The VICE PRESIDENT. The Clerk will read the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

*Ordered, by unanimous consent,* That on the calendar day of Wednesday, April 21, 1926, at not later than 2 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 15 minutes upon the bill or more than once or longer than 15 minutes upon any amendment offered thereto, and that when the Senate concludes its business on Tuesday, April 20, it recess until Wednesday, April 21, at 12 o'clock m.

Mr. BORAH. Mr. President, it is well known to everyone that after these unanimous-consent agreements are entered into we never have any debates that anyone pays any attention to until the day of the voting. We go about our other affairs and give very little consideration to the matter which is to be voted upon. I therefore ask that this agreement be amended so as to make the hour for its taking effect 4 o'clock and to give a Senator 30 minutes to use as he chooses. If he wants to speak 30 minutes on the bill, let him speak 30 minutes, but make the hour not later than 4 o'clock.

Mr. MOSES. Does the Senator from Idaho mean by using the expression "as he chooses" that a Senator may yield to some other Senator if he so desires?

Mr. BORAH. I meant to say that the Senator should use the time himself, not referring to anyone else.

Mr. SHORTRIDGE. Mr. President, I suggest that we might have that privilege, for during that period, having the floor, I might wish to yield it to the Senator from Idaho.

Mr. BORAH. Or vice versa.

Mr. ROBINSON of Arkansas. I should object to that, Mr. President.

Mr. BORAH. I am not asking it.

Mr. ROBINSON of Arkansas. I think it would be a bad precedent to establish to allow a Senator to get the floor and instead of using the time himself parcel it out among favorites. I will object to any arrangement such as that, either now or hereafter.

Mr. SHORTRIDGE. Then, I will object to the agreement.

Mr. SMOOT. I ask the Senator from California not to do that.

Mr. SHORTRIDGE. Well, I am objecting. I hope the Senator will be good enough to consult me now and then in regard to these unanimous-consent agreements.

Mr. SMOOT. Very well.

Mr. ROBINSON of Arkansas. Of course the Senator from California has the same right as has any other Senator to object, and I am heartily in favor of his exercising his constitutional right now and hereafter. He ought to do it more



often. The country is greatly benefited by the exercise of those constitutional rights, and, so far as I am concerned, I hope he will continue to exercise them.

Mr. SHORTRIDGE. I do not desire to indulge in any irony or sarcasm. I think I have been very courteous. I have never raised my voice in objection to any proposed unanimous-consent agreement. The thought I threw out by my suggestion has been expressed to me many times by Senators in this Chamber. It occurs to me now that it has some merit. I can well imagine that my friend from Arkansas—he can not provoke me into replying in a sarcastic vein—

Mr. ROBINSON of Arkansas. Why, Mr. President—

Mr. SHORTRIDGE. Pardon me a moment.

Mr. ROBINSON of Arkansas. Does the Senator think I am trying—will the Senator from California yield to me?

Mr. SHORTRIDGE. I will yield to the Senator.

Mr. ROBINSON of Arkansas. Does the Senator from California imagine that I am trying to provoke him? Mr. President, I am supporting him in the exercise of his right, but I will reaffirm the proposition that the practice of a Senator getting the floor with the privilege of parcelling out the time will not be indulged in hereafter.

Mr. SHORTRIDGE. Mr. President—

Mr. BORAH. Mr. President, may I say—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. Yes; I yield with pleasure.

Mr. BORAH. I did not mean to ask for the privilege of parcelling out the time. I only meant that a Senator might use it himself.

Mr. ROBINSON of Arkansas. That is all right. I have no objection to that.

Mr. BORAH. I prefer to have it arranged that way.

Mr. SHORTRIDGE. I perhaps misunderstood my friend from Arkansas [Mr. ROBINSON]. He has ever been courteous to me, and I have endeavored to be so to him. I pay great heed to his opinion as to the wisdom of the rules of this body, as, perhaps, the Record will show. It has, however, occurred to me that it would be very wise when under a unanimous-consent agreement we enter the period for limited debate to permit a Senator having the floor to yield a little of his allotted time to another if he thought that by so doing his cause would be better presented and advanced. I see no harm in that practice. At any rate, I am not persuaded against that proposition. I may, however, be in error. Indeed, I thought when the Senator from Idaho made his request that he intended to convey that idea.

Mr. BORAH. No; I did not have that in mind.

Mr. SHORTRIDGE. The Senator from Idaho has now made that perfectly plain.

Mr. BORAH. Mr. President, if I may make the suggestion to the Senator, as it is a debatable matter as to whether we should yield time, and so forth, and one which we may want to consider at some length on some other occasion, suppose we waive it in this particular instance and take it up later.

Mr. SHORTRIDGE. To show that I am a good-natured man, I accept his suggestion and offer no objection to the agreement requested by the Senator from Utah.

Mr. FERNALD. Mr. President, I agree with everybody. [Laughter.] But I want to make an inquiry of the Senator. Is it the intention of the Senator to keep the debt settlement measure before the Senate constantly from now until next Wednesday, or will opportunity be afforded to consider other bills in the meantime.

Mr. SMOOT. Mr. President, if the unanimous-consent agreement shall be entered into, whenever a Senator desires to speak upon the bill I shall ask that it be laid before the Senate, and when no Senator desires to speak upon it I shall ask that it be laid aside.

Mr. SHORTRIDGE. That goes into the agreement practically as stated here, of course?

Mr. SMOOT. Yes.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Mr. President, as the Record of yesterday's proceedings will disclose, I have received telegrams and letters from a large number of citizens of Arizona urging me to vote for this bill, and on matters of policy I am inclined to yield to the wishes of my constituents. I wish the bill to be disposed of early, but I am unable to agree to Wednesday. I will be glad to agree to Thursday, April 22, but I am unable to agree to Wednesday. I deeply regret to interpose an objection.

Mr. SMOOT. I hope the Senator will not object.

Mr. ROBINSON of Arkansas. Mr. President, let us find out if there is anybody who is going to be away on Thursday.

Mr. ASHURST. I am not going to be away, but I am not ready to vote.

Mr. SMOOT. I beg the Senator not to object.

Mr. ASHURST. Mr. President, at great personal sacrifice—and I speak in all seriousness—I will withdraw the objection.

Mr. SMOOT. I thank the Senator.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, it is understood, of course, that the words "15 minutes" are to be changed to "30 minutes," and that the vote is to be at 4 o'clock on Wednesday, April 21.

The VICE PRESIDENT. The clerk will read the unanimous-consent agreement as finally entered into.

The Chief Clerk read as follows:

#### UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on the calendar day of Wednesday, April 21, 1926, at not later than 4 o'clock p. m. the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment, or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 30 minutes upon the bill, or upon any amendment offered thereto, and that when the Senate concludes its business on Tuesday, April 20, it recess until Wednesday, April 21, at 12 o'clock m.

Mr. SMOOT. That has been agreed to?

The VICE PRESIDENT. The agreement has been entered into.

Mr. REED of Missouri. Mr. President, I did not object to the unanimous-consent agreement, and I wish briefly to state why. First, I do not want to be in the position of holding up the business of the Senate; second, I am unable to hold up this bill effectively. If there were sufficient Senators to stand with me and who were inclined, as I am inclined, to talk on it until next December, I would stand with them and hold the fort from morning until night and until the next morning, until cloture at least was once more applied in favor of foreign nations; but I do not find a disposition to make that kind of a battle. Senators who have spoken against the bill are content with the persistence they have made, and they are, of course, entirely within their rights.

I shall take occasion to express myself on this bill a little later; but I wish now to say that I regard it as the worst piece of larceny ever attempted upon the taxpayers of this country. No matter how we may gloss it, no matter what excuse may be offered, we are, at the expense of the taxpayers of this country, making a present to Italy of between a billion and a half and two billion dollars. I regard the proposition as indefensible, as monstrous, as infamous, and I believe that when the question comes to be submitted, as it will be submitted, to the American people there will be other reports like that which we received from Illinois this morning.

#### THE PROHIBITION LAW

Mr. BORAH. Mr. President, it has been about eight years since we amended the Constitution of the United States and incorporated in it what is known as the eighteenth amendment. That amendment was not adopted, as is so often said, in haste or without due consideration and deliberation upon the part of the people of the United States. For some 50 years the subject of prohibition had been under discussion throughout the country, and, if I remember correctly, at the time of the ratification of the amendment 33 States of the Union had adopted prohibition. After the amendment was submitted to the States for ratification, I believe, all except two States ratified it. No amendment to the Constitution has ever been adopted after so full and prolonged a consideration as was the eighteenth amendment. Whatever its merits or its demerits may be, whether it should be now repealed or modified, there can be little controversy over the proposition that it was a deliberate act at the time it was written into the Constitution of the United States. It was perfectly clear at that time that the people intended to promulgate a national policy and that policy they inserted into their charter of government.

This amendment provides, in part, as follows:

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The language is specific and all-encompassing—that the manufacture, or sale, or importation, or exportation of intoxicating liquors "for beverage purposes is hereby prohibited."

This part of the Constitution has been construed by the Supreme Court of the United States; and in the first important case which went to the court involving a construction of it, the court said that the first section of the amendment, the one embodying the prohibition, is operative through the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act, whether by Congress, by a State legislature, or by a Territorial assembly, which authorizes or sanctions what the amendment prohibits.

The second section of the amendment—the one declaring that—

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation—

does not enable Congress or the several States to defeat or thwart the prohibition but only to enforce it by appropriate means.

Thus, Mr. President, there was written into the fundamental law, into the charter under which we live, an inhibition against the manufacture or sale of intoxicating liquors, and that binds the Congress of the United States, the several legislatures of the different States, the courts of the country, and each and every particular individual in the country; and so long as it remains in the Constitution it is the duty of the several legislatures, of the Congress, of the courts, of all agencies of government, of all public officials and of individuals to obey and in their respective places in organized society to assist in the enforcement and upholding of the Constitution. It imposes a responsibility and an obligation which neither the Congress nor the State legislatures can honorably shirk or in decency pass on to some other body. It binds every official and every citizen, and so long as it remains there it is the first duty of good citizenship to respect it and seek to uphold it.

We are now, Mr. President, engaged in a great campaign to find a way by which to evade the Constitution of the United States without apparently doing so; to find a method or a means by which we can counteract or nullify its terms and conditions without specifically repealing this part of the Constitution or without modifying it directly. It is a campaign to sterilize the Constitution while professing to respect it.

No one contends that those who are opposed to prohibition have not the right to carry on a campaign for the purpose of changing the Constitution. Any citizen or any body of citizens who believe that this is an unwise policy, that it is a policy which can not be sustained, a principle which can not be enforced, are not subject to criticism in their effort to remedy it by eliminating it from the fundamental law of the land; but the point which I desire to stress at this time and at all other times in the discussion of this matter in which I shall take part is that so long as it remains a part of the Constitution, so long as it is unchanged, it is the duty of every citizen loyally to support and maintain it, not only in letter but in spirit.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. EDGE. The Senator, as I followed his argument, implies that the national prohibition act which was passed by Congress as a method of enforcing the eighteenth amendment is as liberal an interpretation of the eighteenth amendment as Congress would be justified in making. Does the Senator take that position?

Mr. BORAH. I will come to that discussion in a few minutes. I am going to take up the proposed amendment.

Mr. EDGE. I desired to ask two or three questions in that connection. If the Senator prefers to have me wait, I will do so.

Mr. BORAH. Yes; if I do not cover the matter, I invite the Senator to the floor for the purpose of elucidating it by questions, because I have no desire to avoid that proposition. It is a legitimate part of the discussion, and we should be perfectly willing to discuss it.

As I said, the right to amend the Constitution is a right which can not be denied, and no one can be criticized for seeking to amend it. I desire to say, in passing, that the insertion of this amendment in the Constitution of the United States involved what to my mind was a very serious governmental proposition. Whether it was wise to take over from the States the great body of police power which we took over from the States at the time we amended the Constitution is a very serious problem—not only a problem relating to the question of prohibition, but a problem relating to the fundamental principles upon which our Government is organized. It touches the great and vital question of local self-government, and I do not wish to minimize its importance in this problem of prohibition. I find no fault, therefore, with those who believing it to have

been a mistake would seek to correct the mistake by amending the Constitution.

Mr. WADSWORTH. Mr. President, will the Senator comment upon another phase of the eighteenth amendment? Is it not also extraordinary in that its ratification amounted to the insertion of a sumptuary police statute in a constitution, thereby depriving the majority of the people as represented in the House of the Congress of any opportunity of legislating upon a problem of that kind by simple enactment of law?

Mr. BORAH. Undoubtedly, Mr. President, that is one of the serious problems which are involved in this matter; and I think perhaps that is incorporated in the other proposition which I made relative to the attempt to take over and take into the Constitution a principle of police power, and drawing away from the States the police power which heretofore had belonged to them.

But, Mr. President, those things can only be changed by an amendment of the Constitution itself. If it was a mistake to draw to the National Government this police power, if it was a mistake to put into the Constitution of the United States a principle of sumptuary law, the only way in which it can possibly be met is by a proposal either to repeal the eighteenth amendment or to modify it. Indeed, Mr. President, I doubt very much if modification will reach it. It seems to me if we are going to deal with the question which we are now discussing—the question of whether it is wise to take over this police power or to deal with this matter as a sumptuary principle in the Constitution—we can not meet it except by an elimination of the provision of the Constitution itself. So long as the Constitution stands one thing is more fundamental than prohibition, and that is the enforcement and the upholding of the Constitution. It involves the question of whether we are a law-abiding people.

We are discussing, these days, the question of what we shall do with reference to amending this provision of the Constitution; and about the first suggestion that comes to me when I suggest that the situation can be met only by constitutional amendment is that it takes too long, that it will take an infinite amount of time to change the Constitution of the United States, and that there must be some way by which the law can be so modified that we can get intoxicating liquor without offending the Constitution itself. In other words, the clear implication is that by ignoring not only the spirit of the Constitution but the letter of the Constitution, we can pass a law which will give percentages of alcohol sufficient to enable the people to enjoy, as they claim, their right to the use of intoxicating liquor. Impatience with the law is mob rule. The man hunting his neighbor with a shotgun is simply impatient with the law, and those who would disregard the Constitution because it takes too long to amend it are appealing to the spirit of the mob.

Mr. President, it is no part of the duty of a citizen to ferret out means by which to escape from the terms of the Constitution. It is no part of good citizenship, in my judgment, when citizens find in the Constitution a provision which they do not like, to see how far they can possibly go toward evading it or nullifying it without getting within the inhibition which the courts might lay upon them. So long as the provision is there, instead of seeking means to evade it, it is the duty of the citizens of the United States to find means to enforce it. If the means do not exist at this time, if the law is not sufficient and efficient, and if the power behind the law is not sufficient to enforce it, then, instead of finding means by which to evade it, it is our duty, and the obligation rests upon us, to find more effective means by which to make the Constitution effective. Change it if you will; rewrite it again if you may; but so long as it is there, it is the duty of every loyal citizen to see to its enforcement.

Some of the propositions which have been made seem to me most extraordinary. If there rests upon the Federal Government one peculiar exclusive and supreme duty it is to see to the enforcement and the maintenance of the Constitution of the United States and not leave its enforcement to the several States of the Union. The respective States of the Union are not primarily the custodians of the integrity of the Constitution. The custodian of that integrity is the Federal Government itself. To my mind any scheme or any plan which would shift to the States alone the obligation or the burden of enforcing the Constitution is a most pronounced evasion of the most solemn obligation which rests upon the National Government, and that is to protect its own charter, protect its own life, for the Constitution is its life.

The United States attorney for New York a few days ago in an interview said:

Let Congress modify the Volstead Act so as to permit each State to define nonintoxicating liquor, this definition to bind both State and Federal authority.



So modify the Volstead Act as to permit each State to be the judge of how and to what extent the Constitution of the United States applies in this respect and what is an interpretation and what is an enforcement of the Constitution of the United States? The proposal is not to amend the Constitution of the United States. The provision which imposes upon the National Government the inhibition of the sale and use of intoxicating liquors remains; but the proposal is to modify the statute which was passed, leaving the enforcement of the principle of the Constitution and the protection of the integrity of the Constitution to the respective States, while the National Government itself entirely abandons that obligation.

It is seriously proposed that the Federal Government shall abandon the interpretation and enforcement of its own great charter and through sheer cowardly, contemptible expediency leave it to 48 States with 48 different rules and standards to enforce and uphold it. To such desperate and despicable expediency do men resort when they have not the candor to urge repeal or the courage to preach open violation.

Mr. President, as a matter of fact, the great Civil War was fought over that principle. To my mind it is treason; it is a deliberate evasion of the Constitution, a nullifying and an annihilating of the charter under which we live. It is disloyalty to the first principle of a Federal Union and a violation of the oath which every Federal officer takes when he takes office.

Why, suppose the State of New York fixes a percentage of alcoholic content such as to be intoxicating. Shall the Congress of the United States and the officials of the United States, the custodians of the Constitution, acquiesce in the proposition and connive at its disregard of the Constitution? Shall we leave it to the State of New York or to the State of Idaho or to the State of California to say when and how and to what extent the Constitution of the United States shall be applied and enforced? It would make 48 standards. You might have a standard of 7 per cent in New York, and if so, they could ship their product to every State of the Union.

You might have a standard of 2 per cent in the State of Louisiana, and yet New York could send her 7 per cent product into the State of Louisiana against the standard which they have established there. We would have 48 different standards, no one guarding or protecting or enforcing or maintaining the Constitution, but 48 different States applying their different rules.

A few days ago there came to me a resolution passed by a committee of one of the dominant parties of the country in a near-by State, and the resolution reads:

*Resolved*, That the county committee (of the State and county) recommend to the Congress of the United States that the so-called Volstead liquor law be amended so as to permit light wines and beer.

Of course, the constituency for which they were politically speaking understands that "light wines and beer" mean intoxicating liquor. All this disturbance and all this debate are not for the purpose of securing nonintoxicating liquor. The people who are insisting upon this change are not insisting upon the change for the purpose of getting more nonintoxicating liquor. What they understand is that they are to secure intoxicating liquor; that wines and beer such as will give them their intoxicating drinks are to be allowed. We have a great political party, one of the dominant parties in the country, actually passing resolutions petitioning the Congress of the United States to violate or connive at the violation of the Constitution of the United States, and doing it for sheer political expediency.

Why not say to the people who are asking for light wines and beer, "You can not secure the intoxicating liquors which you desire until you amend the fundamental law under which you live?"

If this question is to be presented to the people, let us present it in such a way that it will raise the real issue, and either give or deny to them that for which they are asking, to wit, intoxicating liquor. The Legislature of the State of New York is now in the course of passing a referendum law, as I understand it, and so far as that is concerned, New York is simply in the lead. Other States will be asked to follow. In the referendum which they are to send out, if they pass the law, will be this question:

Should the Congress of the United States modify the Federal act to enforce the eighteenth amendment to the Constitution of the United States so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States?

That would delegate or leave to the respective States the power and the authority to say whether a particular beverage was intoxicating. If the State fixes a percentage which makes it intoxicating, what is the Government of the United States to do? The Government of the United States is to remain silent. The keeper of the Constitution, the sole power to enforce it throughout the Union, is to remain silent and connive at the violation of it from day to day and from year to year. That goes on through all the 48 States of the Union. It means legal chaos, it means constitutional anarchy, it means the breakdown of constitutional government. That referendum challenges the sincerity if not the loyalty of the great State of New York.

The great debate which took place prior to the Civil War was over that one great question, whether the States should determine what laws should be enforced and what should not, under the Constitution of the United States.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. The Senator will remember, however, that when the South asked that the fugitive slave law be enforced, legislatures throughout the free States connived, in just the manner the Senator from Idaho has reprobated so strongly, for the purpose of defeating the rights of the South under that law, and passed personal liberty laws. Judges and juries, too, refused to put the law into execution.

Mr. BORAH. Does the Senator want to plow through that mire of disgrace and degradation again? Does he appeal to a defiance of the Constitution as a precedent?

Mr. BRUCE. I am glad to hear the Senator say it was a period of disgrace and degradation. As far as I know, the Senator is the only member of the Republican Party who has ever made such a confession.

Mr. BORAH. I presume some might doubt my Republicanism, but I do not intend anyone shall challenge my devotion to the Constitution.

Mr. BRUCE. As I look at it, his Republicanism is about the only blemish on the character of the Senator.

Mr. BORAH. The Senator would not contend for a moment that the Northern States which undertook by legislation to nullify the provisions of the Constitution which gave the Southern States the right to follow their slaves were applying constitutional principles, would he? They were simply evading, nullifying, and destroying the Constitution itself.

Mr. BRUCE. Yes; but I mention it as another illustration of the fact that when laws undertake to fly in the face of nature they will not be observed.

Mr. BORAH. Very well, Mr. President; the Senator and I will not argue that. But let us go back to the fundamental law and submit that question to the people of the United States and see what they say about it. If they take it out, every man should live up to it with that out, just as now we should live up to it with it in.

Mr. BRUCE. All I meant to say was that slavery became, in the course of time, an offense to the moral instincts of the free States of the Union and of the world, and of course constitutional restraints proved as utterly futile for the purpose of keeping down the bitter hostility excited by the institution of slavery as the eighteenth amendment has proved in keeping down the natural desire of men for a form of rational enjoyment, within proper limits.

Mr. CARAWAY. Mr. President, will the Senator from Idaho permit me to ask a question?

Mr. BORAH. Yes.

Mr. CARAWAY. If we should carry out the theory that the States should be the interpreters of the Constitution, you could repeal or modify the peonage law and reestablish slavery, could you not?

Mr. BORAH. I suppose you could.

Mr. CARAWAY. If any State should wish to do it; if the States should be the guardians of the Constitution.

Mr. BORAH. Mr. President, suppose some one in New York or New Jersey or Idaho should make a proposal with reference to determining for itself, as a State, whether or not it would obey the fifteenth amendment, or determining for itself how far it would be bound by the fourteenth amendment, or determining for itself how far it would be bound by the seventeenth amendment.

What would these gentlemen who are now proposing that the States shall pass upon the question as to the extent to which they will be bound by the eighteenth amendment say to such a proposal? Or suppose the fifth article of the Constitution of



the United States were involved, where the property rights, the vested interests, of the great property-holding people of the United States are protected; and suppose the Legislature of New York, or a mass meeting in New York, should pass a resolution that the State of New York would determine for itself how far it would be bound by that provision. The Department of Justice here in Washington would have the members of that mass meeting in prison inside of 48 hours as communists and revolutionists. And if any of their ancestors had come here since the American Revolution they would likely seek to deport them as communists.

Mr. BRUCE. Mr. President, will the Senator permit me to ask another question?

Mr. BORAH. I yield.

Mr. BRUCE. Did not the South after the Civil War determine for itself, without regard to the fourteenth and fifteenth amendments to the Federal Constitution, whether it would or would not have ignorant negro suffrage riveted upon its neck? Did not every southern man of every station in life exercise every power that lay in him to stay the consequences of that frightful curse?

Mr. BORAH. Mr. President, so far as I know every law passed by the Southern States and now in force with reference to negro enfranchisement, or the right of the Negro to vote, has been sustained by the Supreme Court of the United States as constitutional.

Mr. BRUCE. Another illustration were those amendments of the utter vanity of passing laws that violate the primal instincts of human nature. What good did they do, so far as any practical consequences were concerned? Outraged human nature claimed its rights, and there is nothing which I regard with more satisfaction than the fact that when I was a boy, living in a remote countryside, all the white citizens of that community were banded together like brothers for the purpose of nullifying those amendments to the Federal Constitution, and defeating the will of Congress when it endeavored to enforce them; and, thank God, they defeated it.

Mr. BORAH. Mr. President, the Senator is preaching the doctrine of communism here in the Senate of the United States.

Mr. BRUCE. Oh, no.

Mr. BORAH. Yes, the Senator is; he is preaching anarchy.

Mr. BRUCE. It is not the Senator from Maryland, but the Senator from Idaho, who wishes us to recognize the Soviet Government.

Mr. BORAH. I do; and I think it might serve as a good example for us, the way we are proposing to do things in this country at this time. I think we could learn lessons from them if such doctrine as I hear now is to prevail. But do I understand the able Senator from Maryland to contend that the Southern States are now, in violation of the Constitution and in violation of the Supreme Court decisions, disfranchising the negroes of the South?

Mr. BRUCE. I mean to say that the South has solved its own suffrage problems in its own way, and it has solved them so wisely, despite constitutional and statutory inhibitions, that the whole country has acquiesced in its conduct.

Mr. BORAH. The Senator did not answer my question. Does the Senator contend that the solution which he speaks of is a solution in contravention and in violation of the Constitution of the United States and the decisions of the Supreme Court of the United States?

Mr. BRUCE. What is the use of asking me to say something that everybody knows? The southern people had to take their choice between constitutional abstractions and civilization, and they selected civilization.

Mr. MOSES. Oh, no, Mr. President, if the Senator from Idaho will permit me. The southern people had another choice. The implications of the Constitution are that a certain vote may be suppressed, but if suppressed, there is a constitutional price to be paid for it. It is a great and high privilege to suppress millions of votes, and why does not southern chivalry come to the front and pay the price which the Constitution mentions?

Mr. BRUCE. I recollect that one of the malefactors who gave the South the greatest trouble after the Civil War was a Moses of South Carolina.

Mr. MOSES. He did not come there; he was raised there. He was not a carpetbagger.

Mr. BRUCE. Surely that State was incapable of producing such fruit as that.

Mr. MOSES. He was not a carpetbagger; he was indigenous.

Mr. BORAH. If I may say just a word in explanation, at the risk, I suppose, of being criticized, I have always thought that the enfranchisement of the negro, at the time it took place, was a mistake. It was unjust to the white and unjust to the colored man.

Mr. BRUCE. Of course, the Senator has thought so.

Mr. BORAH. I have said here on the floor of the Senate I thought it was a mistake to take a race which had been in slavery for 300 years, and overnight put upon them the burdens and the obligations of discharging political duties in a great representative Republic, an almost impossible proposition. It required something of the negro that no race in history could have adequately met. He would have been better off to have worked out through time and education his franchise. But I do not agree with the Senator that at the present time the Southern States are doing these things in violation of the Supreme Court decisions. They have worked out a solution within the Constitution and within the decisions of the Supreme Court of the United States.

Mr. McKELLAR. That is precisely what we have done in Tennessee.

Mr. BRUCE. I think the less we say on the subject the better.

Mr. BORAH. I think so.

Mr. BRUCE. But I will say that it cost us a considerable amount of blood and tears to bring the rest of this country to the conclusion that the Senator from Idaho has reached.

Mr. BORAH. The Senator from Idaho has reached just one conclusion, and I put it plainly and I challenge the Senator from Maryland to controvert it—that so long as the Constitution of the United States remains as it is, it is the duty of every loyal citizen to help enforce it.

Mr. BROUSSARD. Mr. President, will the Senator yield to me for a question?

Mr. BORAH. I yield.

Mr. BROUSSARD. Does the Senator hold that the Congress of the United States may fix a higher percentage than one-half of 1 per cent of alcoholic content?

Mr. BORAH. I hold that the issue which we are now seeking to meet is not a percentage within nonintoxicating percentages. What is being sought is to give a percentage which will give these people an intoxicating drink.

Mr. BROUSSARD. Does the Senator contend that the fixing of 1 per cent would be a violation of the spirit or the letter of the eighteenth amendment?

Mr. BORAH. I am not sufficiently familiar with drinks to know, but what I say is that if we fix the percentage, it does not make any difference what it is, so that the beverage is still nonintoxicating, we will have the liquor question here just as prominently and persistently and pronouncedly as ever before. What the Senator's constituency, if he is speaking for the wets, is asking for is an intoxicating drink. They are not asking for a percentage that will add a little more flavor to a drink. They want something which will be intoxicating, and that is what they are fighting for. Does the Senator contend that the people who oppose the present Volstead Act would be satisfied if it were changed so as to give a nonintoxicating drink?

Mr. BROUSSARD. I hope the Senator will permit me to say just a word. The Senator started out by saying that he is not acquainted with liquors, and then he goes on to assume what those who advocate modification want. My purpose in rising was to ask a question. Does not the Senator believe that those who believe that one-half of 1 per cent is not justified under a proper interpretation of the eighteenth amendment are entitled to fix such a percentage by law and have the Supreme Court of the United States pass upon that law, just as they passed upon the fourteenth and fifteenth amendments to the Constitution?

Mr. BORAH. I will answer that, and I trust that my answer will not seem to be offensive, but if we fix the percentage and make it such that it will not give intoxicating liquors to the people who are asking for a change, it will not solve the question at all. What we are seeking to do, as I understand it, is to readjust the situation so as to satisfy, if possible, the country against persistent insistence upon a change of the prohibition law. If we fix it at a percentage which does not give intoxicating liquor, it will solve nothing. On the other hand, if we do fix it at a percentage which will give intoxicating drinks, we will have violated the Constitution.

Mr. BROUSSARD. During the war 3.75 per cent beer was declared nonintoxicating by the Supreme Court of the United States. Would the Senator believe that that is not a reasonable interpretation of the limitation placed upon Congress to define intoxicating liquor and to fix 3.75 per cent?

Mr. BORAH. Suppose we fix it at 3.75 per cent; if it is nonintoxicating and found to be such in practice as well in theory, we will have solved nothing.

Mr. BROUSSARD. We have not tried it. We have not tried 3.75 per cent beer. The people were satisfied with 3.75 per cent beer during the war.

Mr. BORAH. Oh, no.

Mr. BRUCE. Mr. President, will the Senator yield to me?



The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. I am going to try to take up the matter in a little less controversial spirit. The proposition that the Senator seems to be emphasizing is the proposition brought forward by Mr. Buckner. Of course, so far as we are concerned, we are not responsible for any proposition brought forward by Mr. Buckner. The bills which are actually pending before the Committee on the Judiciary are bills which provide for 2.75 per cent and for beer that does not exceed the intoxicating point. So far as I know, the proposition or the question as to what shall be an intoxicating beverage and what shall not be an intoxicating beverage is not proposed to be remanded, so far as we are concerned, to the States at all. Surely the Senator would not undertake to say that 2.75 per cent beer is an intoxicating thing?

Mr. BORAH. Surely the Senator from Maryland would not undertake to say that if it is not intoxicating that the people for whom he speaks would be satisfied?

Mr. BRUCE. I would. In point of fact, I can speak—

Mr. BORAH. I am not speaking now particularly of legal constituents, but I am speaking of the people who are insisting that they have the right to have intoxicating liquor.

Mr. BRUCE. Because the people of Maryland, for illustration, are asking for 2.75 per cent beer, it does not follow that they are asking for an intoxicating beverage. The ordinary alcoholic content of beer made in the city of Baltimore before the adoption of the eighteenth amendment was 3 to 3.5 per cent. The Senator will probably be surprised when I tell him, because it is obvious that he is a highly temperate man—

Mr. BORAH. I am, I trust.

Mr. BRUCE. So am I—that it was the practice of the brewers in Baltimore City to give a gratuitous allowance each day of 16 glasses of beer to each and every driver of a brewery wagon, so slightly intoxicating was the merchantable beer that was sold at that time. A man simply had almost to drown himself—he had to submerge himself practically in a sea of beer—to intoxicate himself on 2.75 per cent beer.

Mr. BORAH. That is according to how long he has been at the business.

Mr. BRUCE. The general idea is that the longer he has been at it the more thoroughly inured he becomes. But the Senator, I think, is mistaken when he ignores the fact that a very large measure of relief, as the opponents of the Volstead Act see it, would be given by a modification of the Volstead Act allowing 2.75 per cent beer. Light wine is a different matter. I have never had much to say about light wines. I am not really sufficiently informed on the subject to know what percentage of alcoholic content we could define in wine that would justify any wine being called a light wine; but so far as beer is concerned there is no reason in the world, if we are influenced simply by considerations of intoxication, why the American population should not be allowed the privilege of drinking beer. The very rich and well-to-do will obtain their wine anyhow; you need not trouble yourself about that.

Mr. BORAH. I am going to trouble myself about it. So long as this Constitution remains as it is I am going to trouble myself about it. I look upon the rich and influential who violate the Constitution as the most dangerous people in the whole community.

Mr. BRUCE. They will take care of it in one way or another, and it does not make any difference how much you concern yourself about it or what abstract propositions you may bring forward with respect to it, they will have it, just as liberal men will have their Sundays without any extreme, puritanical, blue restrictions. Just as they will have all sorts of things without regard to merely teasing, unreasoning restrictions.

I am not going to interrupt the Senator any more, but I wish to direct his attention to the fact that there is nothing in 2.75 per cent beer, if we are right, that is inconsistent at all with the provisions of the eighteenth amendment, which are simply aimed at intoxicating beverages.

Mr. BORAH. In other words, I understand that all this great drive, this universal hubbub throughout the United States, this uproar in the market place, these hearings, and this great fight that is going on, are to get a little more non-intoxicating beverage, more of the same kind of stuff which you now reject.

Mr. BRUCE. The Senator knows, so far as I am concerned, that his remark is not applicable to me, because nobody knows better than he does that I have proposed an amendment to the eighteenth amendment to the Federal Constitution.

Mr. BORAH. Exactly. I commend the Senator for his courage and his intelligence in meeting the issue.

Mr. BRUCE. I do not think that 2.75 per cent beer would afford to the rational instincts of the people of this country the full measure of relief to which they are entitled.

Mr. BORAH. That is what I thought! [Laughter.] A Daniel come to judgment!

Mr. BRUCE. And I hope I am going to be a Daniel that will come to such a stern judgment as to sweep away all the unnatural and artificial restrictions of prohibition.

Mr. BORAH. That is what I am talking about. The Senator wants to sweep away the inhibition against intoxicating liquors.

Mr. BRUCE. In the ordinary course of constitutional procedure. We have to take the first step in every relation of life. Now, that 2.75 per cent is the first step. If the people of the United States are not willing to go any further, they will go no further.

Mr. BORAH. Of course we realize that that is the first step, and it is to weaken the law and break down the morale of the situation and then we will have 4 per cent and 5 per cent, and the next thing we will repeal the Constitution.

Mr. BRUCE. It may be that 2.75 per cent beer would afford such a measure of relief to natural human instincts that public opinion would then come to the aid of the law and we would not have this disgraceful spectacle of the law weekly, daily, hourly, momentarily violated in the United States.

Mr. BORAH. In other words, all that stands between the people of the United States and obedience to the law is the difference between 1.75 per cent beer and 3.75 per cent beer.

Mr. BRUCE. No; the difference is the difference between rational municipal ordinances and irrational municipal ordinances which violate one of the elementary impulses of human nature.

Mr. BORAH. The difference, with all due respect to the able Senator from Maryland, is the difference between the Constitution as it is and the Constitution repealed. If the Senator wants to repeal the Constitution of the United States he has a perfect right to start that campaign. No one is justified in criticizing that. The Constitution was made and will be unmade by the people of the United States. If it is not satisfactory to us, let us change it. But what I contend is that all this maneuvering with reference to percentages, and so forth, is to evade the Constitution of the United States, to undermine and destroy the morale of its enforcement, and not for the purpose of solving the question within the provisions of the Constitution.

Mr. BRUCE. But, may I ask the Senator from Idaho, if it is legally competent for us to enact a statute allowing 2.75 per cent beer without violating the provisions of the eighteenth amendment, is there any reason why that should not be done?

Mr. BORAH. Oh, no; but it will not solve anything. It will not settle anything, if it is not intoxicating. Your fight will go on.

Mr. BRUCE. There is where I do not agree with the Senator.

Mr. BORAH. The Senator just said that he has not much to say about light wines.

Mr. BRUCE. And I have not.

Mr. BORAH. But there are thousands and hundred of thousands and millions of people in the United States who have something to say about light wines. Will they be satisfied with that beer? They would be offended if you offered them beer.

Mr. BRUCE. I confess my ignorance of that subject. I do not know exactly, technically speaking, what constitutes a light wine and a heavier wine. I do not know. I know, as I said before, that whether we like it or dislike it, the affluent portion of the American population are going to have their wine—Constitution or no Constitution, statute or no statute. That has been demonstrated.

Mr. BORAH. I beg the Senator to permit me to proceed. The Senator has stated the issue. Let us argue it. The Senator has stated that the issue is that they propose to have what they want with reference to intoxicating liquor—

Mr. BRUCE. They do.

Mr. BORAH. Regardless of the Constitution of the United States or the statutes.

Mr. BRUCE. They do.

Mr. BORAH. If that be true, and I have no doubt that is just what the Senator thinks—

Mr. BRUCE. I do.

Mr. BORAH. If that be true, is not the orderly thing to do, so long as we profess to live under a constitutional government, to amend the Constitution in the manner provided by the Constitution itself, and rewrite the charter under which we live? Can the Senator conceive anything more degrading, demoralizing, and undermining to the good citizenship of the people than to have a solemn pledge in the Constitution of the



United States and to have great Senators stand upon the floor of the United States Senate and say the people are going to have what they want regardless of whether it is constitutional or not?

Mr. BRUCE. I can conceive of nothing more deplorable, nothing more tragic, nothing more scandalous, but I take human nature as it is. In other words, I look at this question exactly as the free-soiler looked at the institution of slavery.

Mr. BORAH. Of course, and when Wendell Phillips spoke with reference to that proposition he said, "To hell with the Constitution."

Mr. BRUCE. Yes; he did.

Mr. BORAH. But there came along the man who, disregarding Wendell Phillips, found a way to solve that great question by amending the Constitution of the United States and effectuating the change which he desired under the Constitution and not in violation of it.

Mr. BRUCE. How did he find it? He found it by tracing his way through fire and smoke and flame and blood.

Mr. BORAH. I am one of those who believe that the Constitution of the United States is of sufficient value, if it is necessary, to trace our way through blood and fire in order to maintain it. [Applause on the floor and in the galleries.]

Mr. BRUCE. So do I when a great question like slavery is involved; so do I when a great issue like that of national sovereignty is involved; but not when nothing more is involved than the question as to whether a man shall or shall not be allowed to enjoy what I conceive to be a perfectly legitimate measure of human indulgence.

Mr. BORAH. Yes. Well, Mr. President, there is scarcely any vice that human nature may indulge that the particular person who indulges it does not resent the fact that the law prohibits or inhibits him from doing so.

Mr. BRUCE. That is not so. There is no uprising against punishment for forgery or against punishment for false pretenses and, above all, there is none against punishment for murder or for rape or for arson.

Mr. BORAH. But every man who commits forgery feels toward the law just exactly as the Senator does toward prohibition.

Mr. BRUCE. He does, but his neighbors do not. The difference in this case is not only that the man who takes—

Mr. BORAH. I am not sure that the Senator's neighbors do. That is what I want to find out.

Mr. BRUCE. I have previously stated to the Senator that many of my neighbors regard with great leniency the violation of the Volstead Act, because, as they conceive it, that act has no true moral sanction behind it. It endeavors to pronounce something as being criminal per se that is not so.

Mr. BORAH. Mr. President, there are hundreds and thousands and millions of people in the United States, as good people as live, who are devoted to law and order, who believe in obedience to law, who take the very opposite view from that of the able Senator from Maryland. They believe that while we are making a fight to maintain those provisions of the Constitution which protect property it is just as necessary to make a fight for the maintenance of the provisions which protect human values and the home.

Mr. BRUCE. That is simply because they are misguided enthusiasts who are incapable of drawing the true line of distinction between what is real criminality and what is merely artificial criminality.

Mr. BORAH. That doctrine will not do in this country.

Mr. EDGE rose.

Mr. BORAH. I yield to the Senator from New Jersey.

Mr. EDGE. I will wait until the Senator from Idaho shall have finished his remarks.

Mr. BORAH. Let us go back for a moment to what I think is the most serious proposition here. I regard all this discussion of percentages of the alcoholic content of liquor as evading the question, not intentionally, perhaps, upon the part of all those who discuss it. Every Senator here knows from the letters which he receives every day that the thing which many people are asking is not a change of percentage still keeping the liquor nonintoxicating, but what they are writing Senators about now, what they are passing resolutions about, what they are petitioning about is for intoxicating beverages.

It is the duty of the Senate of the United States, if it has not lost all capacity for leadership, to say to these people, "You want intoxicating beverages. We say to you that you can not get them under the Constitution, which we have sworn to support, until you, by the orderly processes pointed out by the Constitution, rewrite that instrument."

Mr. BRUCE. Mr. President—

Mr. BORAH. Just a moment. I want to speak for a few moments.

Mr. BRUCE. Of course.

Mr. BORAH. It is our duty to do that, as men whose business it is to uphold the Constitution, who have sworn to support the Constitution and who ought to have some capacity for leadership when the Constitution of the United States is involved. We should say to those who are advocating a change, "What you want is intoxicating liquors, but that is what you can not have until you take out of the Constitution that which the people of the United States put into the Constitution. That is what I am contending for here to-day. Let the people understand that this proposed change of the Volstead Act would settle nothing; it would solve no problem. It would leave liquor here haunting the corridors of the Capitol, and these people would be petitioning Congress next year just the same as they are doing this year. What these people are interested in is doing what the Constitution does not permit them to do.

Mr. BRUCE and Mr. EDGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield, and, if so, to whom?

Mr. EDGE. I thought the Senator from Idaho had concluded his remarks.

Mr. BRUCE. Mr. President, the Senator from Idaho knows that I have offered an amendment to the Constitution involving a combination of the Quebec plan of government supervision and control and local option; in other words, I am pursuing the very pathway that he thinks that I and those associated with me should pursue. Now I will ask the Senator from Idaho, Does that constitutional amendment meet with his approval or not?

Mr. BORAH. Distinctly not. I do not want this Government to become a saloon keeper. If that must go on, let it be by individuals. But, as I said a moment ago, I do not want to discuss indefinitely and exclusively the question of percentages.

I wish to refer again, for the consideration of the Senate, to the great referendum which the people are going to hold in the State of New York. They are going to petition the Congress of the United States by the voice of the people of New York to do what? To violate the Constitution of the United States. Do the people of a great Commonwealth such as New York, with its distinguished leaders of the past and its distinguished leaders of the present, its great educators, its great lawyers, its great jurists, and its great religionists, propose to come down here with a solemn referendum to the effect that the Congress of the United States shall disregard the Constitution of the United States? They propose to petition us to leave the enforcement of the Constitution to the States—a shameful proposition.

Is it not infinitely better, more in accord with good citizenship and with representative government, that they submit to the people of the State of New York the question of petitioning Congress to submit to the States for ratification an amendment which will take out the eighteenth amendment from the Constitution? Can you meet the question any other way? Is there any other orderly and decent way to proceed? Can you solve the problem by any other method or any other process? I ask, Mr. President, is it honest, is it candid leadership, is it in accord with the principles of the great Republican and Democratic Parties to seek to evade the question by asking us to violate the Constitution of the United States, to disregard it? Let us be candid enough to speak to the people in constitutional language, in language befitting public men in a government of law.

Mr. President, the liquor problem can not be disposed of by amendments which do nothing more than add an additional flavor to the drink. It can not be put at rest by changing the percentage if that percentage fails to give intoxicants. The contest is not over percentages. It involves deeper and more searching questions. After you have made your changes as proposed, if you remain within the provisions of the Constitution, your liquor problem will still be here, unsettled, undetermined, haunting the corridors of Congress and tormenting public opinion, insistent of attention and rapacious in its demands. Deep convictions are found on either side of this question. Great governmental, as well as great moral, problems are involved and percentages will not meet the situation.

But what I arose to say at this time is that whether prohibition stays or goes, rises or falls, the Constitution should be maintained and supported as it is written by all law-abiding people until it is changed in the manner pointed out by the Constitution. Obedience to the law is the rock foundation upon which our whole structure rests. To disregard it is to strike at the life of the Nation. And while disrespect for law applies to all laws, statutes, and enacted laws, there is a more sacred import to that rule of conduct when the Constitution itself is involved. It is the law of the land, the charter of our Government, approved by the people, defining and guaranteeing



the rights of the citizen, prescribing the duties, functions, and limitations of government, and to disregard it is to spell the end of order and representative government.

Mr. EDGE. Mr. President, it occurs to me, from following the eloquent speech of the Senator from Idaho, that he proposes to decide what the Supreme Court may do without permitting the Supreme Court to have an opportunity to decide for itself. That is the burden of most arguments against modification of the Volstead Act. In his argument he advanced the statement—and I believe he was seconded by the Senator from Tennessee—that relief from the fourteenth amendment had been worked out in a way which permitted the Southern States to administer it, within the Constitution, in a manner in which they preferred to administer it. I should like to see a similar opportunity afforded, at least, before individual Senators decide, for the Supreme Court, just what it will do with amendments to the Volstead Act.

The Senator from Idaho has indicated that the alcoholic limitation of the Volstead Act was unquestionably below a fair interpretation, so far as the word "intoxicating" is concerned, of the provisions of the eighteenth amendment. I was a member of the Senate when the Volstead Act was passed, as was the Senator from Idaho, and I recall the debate at that time. The suggestion was advanced by the proponents of the bill that the reason for the inclusion of the words "one-half of 1 per cent" was not to define intoxication but to provide a method or medium through which better enforcement of the eighteenth amendment could be obtained. We have been seven years working on that theory and we have absolutely and utterly failed.

I differ from the Senator from Idaho in his viewpoint that allowing the use of the maximum of alcohol that could be permitted within the term "intoxicating in fact" would not be helpful in this situation. I emphatically contend just the opposite. I believe if the Congress should pass an amendment to the Volstead Act permitting all the Constitution permits it would immediately alleviate the situation.

I may say, Mr. President, that, in my judgment, Congress has not the moral right to deny what the Constitution permits. We have heard a great deal to-day about upholding the Constitution. Then let us try the other experiment of allowing the full limit. Conditions could not be any worse than they are to-day. Senators refer to the hearings which are being held, but the facts that are coming out and going throughout this land as a result of those hearings can not be evaded by Congress if the Members of Congress do their full duty.

I admit beyond any argument that in order to legally obtain what are known as hard spirits or liquors it would be absolutely necessary to repeal or amend the eighteenth amendment; but I contend, side by side with that, if we would amend the Volstead Act and permit the alcoholic content to be as great as the courts might decide to be within the interpretation of the words "intoxicating in fact," we would remedy materially the present deplorable situation; we would at least reduce the discontent and unrest in the country and the challenge and protest against the law which prevail throughout the country. In that way we would, in my judgment, greatly improve conditions and help solve this the problem of all problems facing us to-day.

What is the definition of "intoxicating liquors," so long as it is alleged that nothing within that definition can satisfy? The only decision that I have seen from a Federal judge as to the definition of intoxicating liquor was delivered by Judge Soper, a Federal judge in the district of which Baltimore is a part. I have not a copy of the decision with me, but in effect he says this: Intoxication means what in the ordinary sense the average citizen knows as drunkenness through indulging in alcoholic beverages in quantity equal to what the average human could drink.

In other words, the word "intoxicating" means, according to that judge's decision, real drunkenness. How can we determine here that the Supreme Court, recognizing the sentiment of the country, recognizing as they have in recent years, and I think properly so, the rule of reasonableness in considering all questions, especially those questions which are close to the public—how can we contend that if we pass a bill reciting the very words of the Constitution itself, permitting citizens to have what the Constitution permits them to have, namely, beverages up to the point of being proven intoxicating in fact, that the Supreme Court of the United States would not uphold such an amendment to the Volstead Act? Further, how can we contend such liberty would not reduce the present use of bootleggers' poison?

Would that be evasion? It would not be nullification, Mr. President, if the Supreme Court so affirmatively decided, would

it? Then the great State of New York or the great State of New Jersey or the great State of Idaho would have, under the fundamental law of the land, without evasion, the right to manufacture, sell, or use beverages up to the point of being "intoxicating in fact"; and, as I have said, the courts must decide the violation of any law, and they would under such an amendment be given the responsibility to do so.

Such an amendment does not in any way mean that the State of Idaho or the State of Kansas shall not, if their State legislatures so decide, continue the one-half of 1 per cent, or continue without any percentage if they so elect. That is not confusing. It could not be, at any rate, more confusing than it is to-day. If the Supreme Court upholds this limit, then certainly the State courts or the Federal courts within the States would decide cases coming before them in harmony with that limit; and so they should.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just one moment?

Mr. EDGE. I yield.

Mr. BRUCE. My impression is that the Senator from Idaho [Mr. BORAH] himself a few days ago offered some amendments to the Volstead Act that might be submitted by way of popular referendum to the people. Is not that the case?

Mr. BORAH. Yes; I submitted an amendment to a proposed referendum asking the people whether or not they desired to repeal the eighteenth amendment.

Mr. BRUCE. Were the amendments addressed entirely to the eighteenth amendment? My impression was that they were addressed also to the Volstead Act, were they not?

Mr. BORAH. If the Senator from New Jersey will yield to me—

Mr. EDGE. I yield to the Senator to reply.

Mr. BORAH. I submitted three propositions. The first was whether or not the people desired to amend the Constitution of the United States by taking out the eighteenth amendment; secondly, if they understood light wines and beers for which they were petitioning to be such beverages as were nonintoxicating.

Mr. BRUCE. Was the Senator drafting the second amendment merely as a matter of intellectual recreation?

Mr. BORAH. No; although I do sometimes indulge in that pastime.

Mr. BRUCE. It seems to me the Senator has some inconsistency to defend. Here this afternoon he has been deprecating the idea of any modification of the Volstead Act being entertained, and yet he himself is bound to confess that he was the draftsman of one.

Mr. BORAH. Let me explain the matter to the Senator, and then he will see that I am not inconsistent.

The Senator from New Jersey submitted what he proposed to form into a referendum throughout the United States; and I offered amendments to his referendum for the purpose of inquiring of the people what they understood as to nonintoxicating beverages, what they understood as to the eighteenth amendment, and whether or not they desired to repeal it.

I have not offered any amendment to the Volstead Act. I do not propose to offer any amendment to it; but I am perfectly willing, I will say to the Senator now, if he will work out a process, to take a referendum upon whether or not they desire to repeal the eighteenth amendment to the Constitution of the United States.

Mr. BRUCE. Yes; but the Senator's second amendment contemplated the idea that there would be a popular referendum in relation to the question as to whether the people of the United States wanted light wines or beer.

Mr. BORAH. Oh, no; I did not ask them that. I asked them if, in petitioning for light wines and beers, they understood that they would have such an alcoholic content as not to be intoxicating.

Mr. BRUCE. I am very glad, at any rate, to have listened to an explanation of these amendments from the Senator from Idaho, because, notwithstanding the extraordinary lucidity with which he generally conveys his ideas, I have yet to find a single, solitary individual who has ever been able to grasp the real meaning of the amendments suggested by him. Indeed, I am coming to think that the Senator must have suggested them in a satirical or sardonic spirit, because I confess that to me they are wholly unintelligible.

Mr. BORAH. I confess that I have considerable of a sardonic spirit when I am dealing with the question of amending the Volstead Act, because I do not find any sincerity at all behind the proposal. The thing these people are really seeking can not be secured by merely amending the Volstead Act.

Mr. BRUCE. I am sorry to hear the Senator say that, because I have always thought that one of his most splendid virtues was his sincerity of character.

Mr. EDGE. Mr. President, I had no intention of discussing any considerable length this question at this time. It was introduced by the Senator from Idaho, and I felt should be briefly alluded to, and later I will reply as the subject demands.

I protest very emphatically against the continued inference that a proposal to amend the Volstead Act is a subterfuge. Such a contention is not justified in fact. It is not justified in law. An amendment to the Volstead Act, of course, as a matter of practicability, can be opposed by any Senator. That is his privilege at any and all times; but while the Volstead Act is sacred as all law is sacred, while it is a law, it is no less subject to amendment than any other act that Congress passes, even though it has such influences back of it that it apparently occupies a different position.

Any act of Congress is subject to proper amendment; and when one urges modification of the Volstead Act in the interest of bringing about a more temperate condition, in the interest of trying to alleviate to some extent what I consider the absolutely justified protest and challenge of millions of our people, it is unjust to assume it a move against enforcement of law; neither is it an invitation for violation of the law. It is quite the contrary, in my mind. If the public are entitled to this consideration, why should it be denied? It is a sincere movement to try to help a situation which Senators, whatever may be their public utterances, know perfectly well can not be evaded longer in the best interests of morals, in the best interests of recognition of the sublimity of law, which has been greatly reduced in this country.

In conclusion, I simply desire again to bring this view as forcefully as I can before the Senate. This act has denied, through its one-half of 1 per cent limitation, what the Constitution—the mandate from the people—clearly indicated that they were prepared to try—the prohibition of intoxicating liquor. I repeat, the one-half of 1 per cent limitation was placed there by its proponents to help enforcement. The object has failed. Has not the time arrived for us to be honest with the people who ratified the eighteenth amendment?

If we use the very language of the eighteenth amendment itself permitting beverages up to the point of intoxication, we can not possibly violate the Constitution, because we are simply repeating the Constitution. Then, it becomes a matter for the court—the court to which we have always looked up—to decide whether a citizen is guilty or innocent.

Is that a new doctrine in this country? Is that evading or nullifying the Constitution of this country? On the contrary, that is upholding the Constitution and trying to meet a situation honestly, legally, and squarely. It is the only way, in my judgment—at this time, at least, without the loss of much time through the possible amendment of the eighteenth amendment—in which we can meet the situation.

Conditions can not be worse than they are to-day. If you admit them honestly as they exist, you know it. You must realize what the present regulation is doing to the young men and to the young women, and how in all walks of life the thought of observance or reverence of law is almost a plaything and a football. You can not fairly contend when that condition exists that: "Technically, we can not pass any amendment to the Volstead Act without violating the Constitution." Let the Supreme Court decide that, not Senators here on the floor of the United States Senate. Let us see if legal modification will not help. Give the people all they reserved when they, through their mandate, ratified the eighteenth amendment, and then come back a year or two later and see if the conditions are not 100 per cent better than those we are facing to-day.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 44 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 15, 1926, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate April 14 (legislative day of April 5), 1926*

##### MEMBERS OF THE RAILROAD LABOR BOARD

###### MANAGEMENT GROUP

Samuel Higgins, of New York, for a term of five years. (A reappointment.)

###### PUBLIC GROUP

Ben W. Hooper, of Tennessee, for a term of five years. (A reappointment.)

###### LABOR GROUP

Walter L. McMenimen, of Massachusetts, for a term of five years. (A reappointment.)

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate April 14 (legislative day of April 5), 1926*

##### POSTMASTERS

###### KANSAS

Charles N. Shafer, Fredonia.

###### NEW HAMPSHIRE

Archie W. Johnson, Bartlett.

###### NORTH CAROLINA

William B. Hemphill, Biltmore.

Luadan V. Rhyne, Dallas.

###### OREGON

William S. Bowers, Baker.

John A. McCall, Klamath Falls.

Ralph R. Huron, La Grande.

James E. Whitehead, Turner.

Fred K. Baker, Valsetz.

###### PENNSYLVANIA

John O. Whiteman, Claridge.

John W. Annmiller, Eagles Mere.

Ethel O. Lakin, Grassflat.

Permelia H. Young, Jefferson.

Katherine A. White, Mildred.

George F. Grill, Pen Mar.

#### HOUSE OF REPRESENTATIVES

WEDNESDAY, April 14, 1926

The House met at 12 o'clock noon.

The Rev. Walter F. Smith, of the Park View Christian Church, Washington, D. C., offered the following prayer:

Our Father, we thank Thee for Thy abiding love and are grateful to Thee for all the blessings of life that Thou hast bestowed upon us. We thank Thee for our beloved country and for her opportunities and ideals. May those ideals ever be held high. Rest Thy blessing upon all in authority. Especially we pray Thee to bless these who have been called to administer the affairs of our Nation. Give to them wisdom and power, that through the guidance of Thy Holy Spirit they may prove what is the good and the acceptable and the perfect will of God.

Hear this our prayer and grant these our petitions, for we ask them in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

##### GUARDIANSHIP OF INSANE AND INCOMPETENT VETERANS

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend in the RECORD a letter received by me yesterday from Gen. Frank T. Hines, Director of the Veterans' Bureau, on the subject of the 18,000 guardians of insane and incompetent veterans in the United States, together with my own remarks upon the same subject, and upon the subject of my proposed amendments to eliminate fees paid unscrupulous guardians, and also my own remarks upon the medical care, hospitalization, and welfare of the veterans.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, when was this letter written by General Hines?

Mr. KINDRED. It was dated on April 10 and delivered at my office by messenger yesterday.